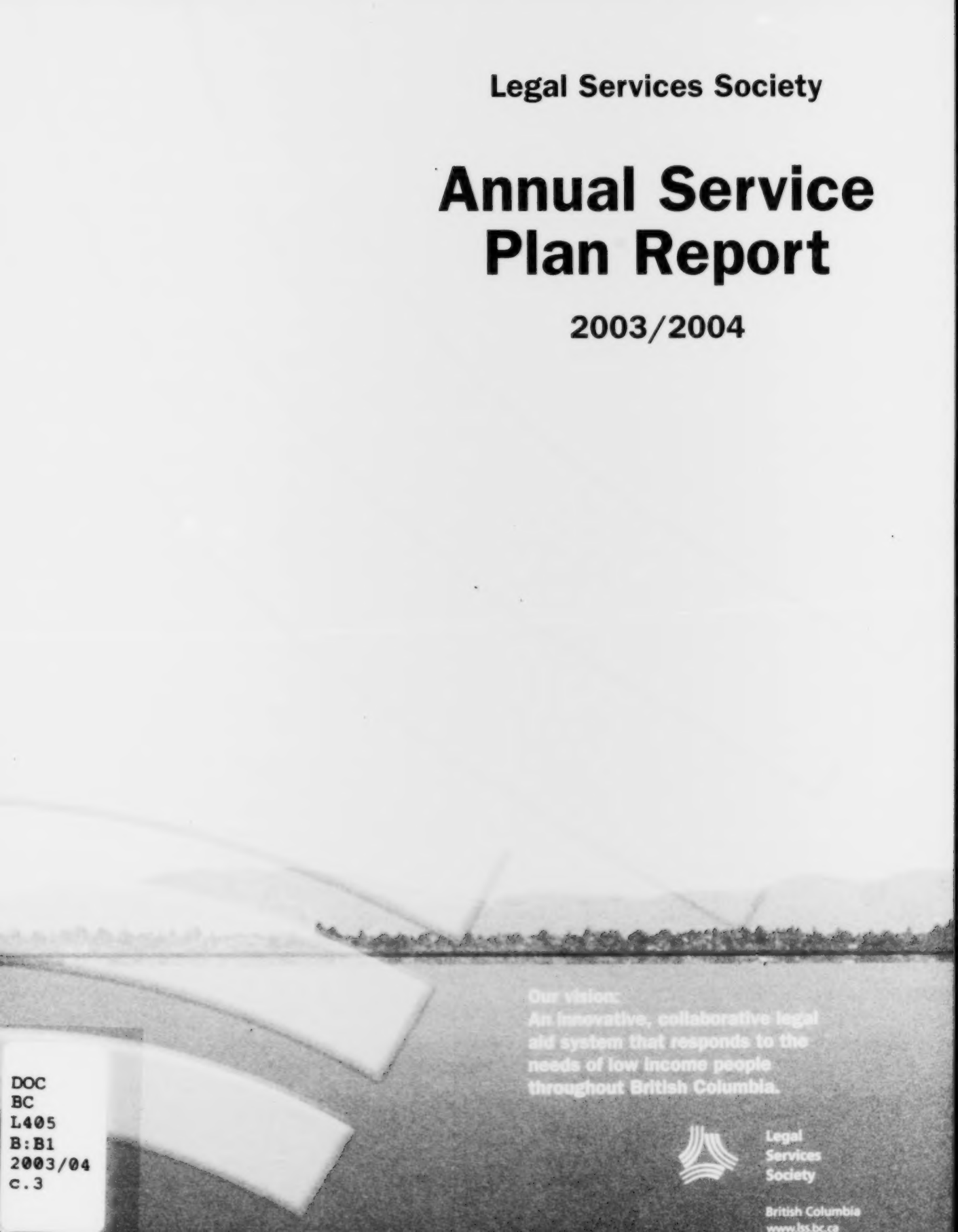
Legal Services Society

Annual Service Plan Report

2003/2004


Our vision:
An innovative, collaborative legal aid system that responds to the needs of low income people throughout British Columbia.
Legal Services Society
British Columbia
www.lss.bc.ca

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Letter of Presentation

June 26, 2004

The Honourable Geoff Plant, QC
Attorney General
Province of British Columbia

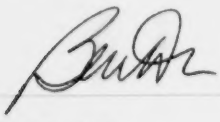
Dear Mr. Attorney:

Pursuant to the Legal Services Society Act and the Budget Transparency and Accountability Act, I enclose the Legal Services Society's *Annual Service Plan Report 2003/2004*.

This report compares the society's actual results with the expected results identified for the year in its *Service Plan 2003/2004 – 2005/2006*. It demonstrates how LSS fulfills its statutory obligations and contributes to the government's goal of providing an accessible, efficient, fair, and affordable system of justice in British Columbia.

I am accountable for the contents of this report.

Sincerely,



Mark Benton
Executive Director

Message from the Chair and Executive Director

An efficient and effective legal aid plan is an integral part of the justice system and crucial to providing access to justice for people with low incomes. Yet, the Legal Services Society (LSS), like other service providers, faces fiscal restraints that challenge its ability to meet the demand for services. Taking an innovative and collaborative approach to providing legal aid, therefore, has never been more important than it is today.

This was the first full year of operations for the society's new service delivery system. To build and stabilize this system, LSS worked with key stakeholders to increase public awareness of core legal aid programs, better understand community legal needs, and pursue innovative approaches to providing assistance to unrepresented litigants who no longer qualify for legal representation.

One outcome of this work was the early success of several new legal advice and information initiatives, which benefited thousands of people this year. These have received positive responses from clients and key stakeholders, and have been extended for another year. While the initiatives are far less comprehensive than the family and poverty law services that were eliminated in 2002, they are proving to be valuable in resolving legal problems. A key concern for LSS next year will be to find a way to fund them beyond March 31, 2005.

This was the second of three years of scheduled provincial government reductions to the legal aid budget. As LSS has now implemented the program and staff cuts necessary to accommodate those reductions, no further cuts are anticipated for 2004/2005.

After the province announced it would not fund immigration services beyond March 31, 2004, new funding was secured for limited legal assistance to refugees until March 31, 2005. The future of immigration legal aid beyond next year remains uncertain.

A high priority for the society next year will be to negotiate a new three-year Memorandum of Understanding (MOU) with the Attorney General. The MOU will outline the anticipated provincial funding for legal aid and the priorities for its use from 2005/2006 – 2007/2008.

The society supports the concepts of accountability and transparent reporting, and is working toward applying the BC public sector reporting principles agreed to in 2003 by government, legislators, and the Auditor General. New performance measures designed to improve the society's reporting were developed this year, but were not fully in place by year-end. The Report on Performance in this annual report, therefore, discusses the development of those measures. It also outlines the risks faced by the society, addresses this year's implementation of a new governance framework that followed the transition from a trustee to a new board of directors, and discusses advances made with respect to the strategic objectives in the 2003/2004 – 2005/2006 service plan. LSS will establish benchmarks for its new performance measures, and report on them, next year.

The society is fortunate to have exceptionally skilled and dedicated employees who provide high quality assistance to people with low incomes. LSS staff also support lawyers and advocates, who, to a greater extent than ever, deliver legal aid services to clients.

Gregory T. W. Bowden, QC
Chair of LSS Board of Directors

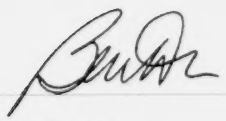
Mark Benton
LSS Executive Director

Thanks go to staff and the society's partners for their ongoing commitment to helping our clients gain meaningful access to the justice system.

Finally, LSS is grateful to the Law Foundation and Notary Foundation for ongoing funding. Their support makes it possible for the society to operate many of its pilot projects.

Gregory T. W. Bowden, QC
Chair, LSS Board of Directors

April 2004



Mark Benton
Executive Director

April 2004

Organization Overview

The Legal Services Society provides legal aid in British Columbia. Created by the Legal Services Society Act (LSS Act or the act) in 1979, LSS is a non-profit organization governed by a nine-member board of directors.

While the provincial government is the society's primary funder, LSS remains independent of government and is mandated to serve the interests of people with low incomes.

Mandate

Under section 9(1) of the LSS Act (revised 2002), the society's mandate is to —

(a) help low income individuals resolve their legal problems and facilitate access to justice for them,

(b) establish and administer an effective and efficient system for providing legal aid to low income people in British Columbia, and

(c) provide advice to the Attorney General about legal aid.

Section 9(2) of the act sets out the principles that guide the society in pursuing its mandate —

(a) identify and assess the legal needs of people with low incomes in British Columbia,

(b) consider the perspectives of both justice system service providers and the general public,

(c) co-ordinate legal aid with other aspects of the justice system and with community services, and

(d) be flexible and innovative in the provision of legal aid.

Mission

To assist low income individuals to resolve their legal problems by providing a spectrum of services that promotes their effective participation in the justice system.

Vision

An innovative, collaborative legal aid system that responds to the needs of low income people throughout British Columbia.

Values statement

Making a difference through leadership, respect, and working with others.

Memorandum of Understanding

Under section 21 of the LSS Act, the society determines the range of services to be provided within the framework of an MOU negotiated with the Attorney General every three years. This section also allows the Lieutenant-Governor in Council to make regulations concerning legal aid services if the society and the Attorney General are unable to negotiate an MOU.

Together, the act and the MOU provide the framework for relations between the society and the provincial government. The current MOU covers the three-year period from April 1, 2002, through March 31, 2005. It —

- sets out the roles and responsibilities of both parties,
- outlines anticipated provincial government funding for legal aid and the priorities for use of that funding,
- acknowledges that LSS receives funding from sources other than the government and can apply that funding in any manner that is appropriate to fulfilling its mandate, and
- establishes the foundation for the society's budget and planning process.

Core services

LSS offers a continuum of services that includes legal representation, advice, information, education, and advocacy. The society's activities are informed by its values, and are compatible with the provincial government's values of treating British Columbians with dignity and respect, and its goal of providing an accessible, efficient, fair, and affordable system of justice.

Services are delivered by staff at regional centres and on the toll-free LSS Call Centre and LawLINE, and by funded local agents across the province (see page 58 for a list of offices). Private bar lawyers who accept LSS referrals provide most of the legal representation services. In addition, the society contracts private bar lawyers and other organizations to deliver services such as duty counsel. See Appendix 1 for a more detailed description of the society's service delivery structure.

LSS provides legal representation for financially eligible people who —

- are charged with a criminal offence and face jail, a conditional sentence that would severely limit their liberty, loss of livelihood, or deportation if found guilty;
- are victims of domestic violence and likely need a physical restraining order, have a child or children who are at risk and a supervised access order or restraining order is needed to protect them, or need changes to their current custody or access order to ensure their and/or their children's safety;
- need a non-removal order to prevent their children from being permanently removed from the province;
- are parents and the Ministry of Children and Family Development has taken or is threatening to take their children away from them;
- face a refugee or deportation hearing (until March 31, 2004 — see Report on Performance, page 16); or
- face a Mental Health Review Panel, BC Review Board hearing, or prison issue for which the Charter of Rights and Freedoms establishes a right to counsel.

See Appendix 2 for a more detailed description of these services, Appendix 5 for financial eligibility criteria, and Appendix 6 for 2003/2004 operating data.

LSS provides legal advice through the Brydges line and duty counsel programs, the enhanced LawLINE project, and the family duty counsel and advice lawyer projects (see Appendix 3 and Report on Performance for more detailed descriptions of these services). Many LSS advice services are subject to a financial eligibility test (see Appendix 5).

The society's legal information services include —

- a province-wide toll-free telephone service called LawLINE;
- publications about various aspects of the law;
- the LSS website, the Family Law in British Columbia website, and the Electronic Law Library website;
- the LawLINK website and public access computers;
- support for PovNet; and
- training conferences for community advocates working with LSS client groups.

See Appendix 3 for a more detailed description of these services.

Year in Review

The primary focus for the Legal Services Society this year was to build and stabilize its operations, which were restructured in 2002/2003 in response to reduced provincial government funding for legal aid. This involved implementing a new board governance framework, refining and advancing the society's strategic objectives, establishing new performance measures, and proceeding with initiatives designed to enhance existing services and evaluate new ways of assisting clients.

Board of directors

In June 2003, LSS governance was transferred from an official trustee to a new board of directors (see Governance). By fall, the board had set its objectives for the year and adopted a performance evaluation process that will enable it to provide leadership and direction through strategic and service planning.

Board liaison directors began meeting with key stakeholders in late 2003/2004. Consistent with the guiding principles set out in the LSS Act (see Organization Overview), these meetings are intended to ensure the board's policy and planning priorities are placed in the context of broader social trends and issues that could affect legal aid services.

Performance

By December 2003, the society had reviewed and refined its existing strategic objectives, and established six performance measures based on surveys to determine tariff lawyer, client, employee, and intermediary satisfaction with LSS services. The survey approach offers a method for assessing services and identifying areas in need of improvement, which in turn will enhance the society's accountability to key stakeholders, the government, clients, and the public.

LSS established a baseline for tariff lawyer satisfaction at year-end, and is continuing to develop the five other performance measures. Reporting based on the new measures will begin in 2004/2005.

Operating highlights

Overall, legal aid applications and referrals declined this year compared to 2002/2003, primarily as a result of last year's elimination of legal representation for poverty law matters. External factors contributing to reduced volumes include continued declines in provincial refugee applications and child apprehensions.

A slight increase in family law referrals likely reflects an increased awareness of the exception review process (see page 43). Family referrals were nonetheless down 60% from 2001/2002 as a result of coverage restrictions implemented in this area of law last year.

LSS continued to pursue options for immigration funding after the provincial government announced in 2002 that it would not fund this area of legal aid beyond March 31, 2004. By January 2004, the federal and provincial governments had reached a cost-sharing agreement that will provide the society with funding for limited legal assistance in this area until March 31, 2005.

Support obtained through the Legal Aid Renewal Fund, established to address unmet criminal law needs, allowed LSS to relax financial eligibility for these services in March 2004 for 13 months. The Legal Aid Renewal Fund also supports services provided in this area through innovative programs such as the enhanced LawLINE and the LSS Call Centre.

LSS continued to build its capacity to provide services with reduced funding and fewer staff. This year, the society expanded its pool of temporary employees, began

cross-training permanent staff, and hired short-term contractors when outside expertise was required. LSS also continued to provide support for intermediaries and private bar lawyers who deliver legal aid services to clients.

The number of lawyers who accepted legal aid referrals continued to decline in 2003/2004. While this situation can be partially attributed to the decrease in available referrals, it is also part of an ongoing national trend that reflects low legal aid rates (tariffs). LSS began a tariff review this year in response to concerns that this decline may be impeding its ability to meet clients' needs.

Major initiatives

Strategic initiatives undertaken this year emphasized collaborating with key stakeholders to understand how best to meet unrepresented litigants' legal needs and to improve access to justice for low income people.

Through the following initiatives, LSS provided legal advice to more than 13,000 people who did not qualify for legal representation (see table 14, page 53):

- Family duty counsel (FDC) projects (expanded to 44 locations across the province) and family advice lawyer projects (in selected locations)
- The first legal advice hotline in Canada, piloted through the society's enhanced LawLINE project

As well, the society augmented access to reliable legal information resources for people with low incomes by —

- installing additional public access computers featuring the LawLINK website in selected locations around the province, and
- taking a leadership role in the Public Legal Education and Information (PLEI) Working Group of BC, which is mandated to co-ordinate PLEI services across the province.

Interim evaluations of the FDC projects indicated a high level of support from clients and key stakeholders, and initial feedback on the LawLINE and LawLINK projects has been positive.

Other initiatives to support core programs and streamline administration ranged from further development of the Family Law in British Columbia website and the society's core PLEI materials, to fully implementing electronic billing for private bar lawyers and a new Human Resources information and payroll system for the society.

The *Public Legal Education and Information Resource Catalogue (BC) 2003/2004*, produced by the working group, and the Family Law in BC and LawLINK websites won awards for communications excellence this year (see Appendix 3).

Financial results

LSS closed 2003/2004 in a strong financial position, with an accumulated surplus of $4.4 million, and cash and investments that offset its liabilities.

As anticipated, costs in some areas declined compared to the previous year. The first full year of operating a smaller service delivery system resulted in lower expenditures for grants and contracted services, and salaries and benefits (see Statement of Operations, page 32). Reduced coverage criteria, combined with external factors affecting the demand for criminal, immigration, and child apprehension law services, also resulted in lower tariff expenditures.

An accounting change implemented at year-end allowed the society to more accurately estimate its liability for outstanding amounts owed to private bar lawyers for work done, but not yet billed, on referrals. This resulted in a one-time, $6.6 million adjustment to its accounts payable. The accounting change also provides LSS with an improved method of forecasting tariff expenditures, which will allow the society to establish more accurate long-term spending limits when negotiating future MOUs with the Attorney General.

Report on Performance

Under the Budget Transparency and Accountability Act, organizations such as the Legal Services Society must submit three-year service plans to the provincial government each January. When the 2003/2004 – 2005/2006 plans were due, LSS had been operating its new service delivery system for only a few months.

In that service plan, LSS said its primary focus for 2003/2004 was to build a solid foundation for fulfilling the new vision, mission, and strategic objectives it had articulated in fall 2002.

The society also acknowledged that it still needed to identify strategic issues and key strategies, and to set new performance measures that will help LSS evaluate its progress toward meeting its objectives. The society anticipated it would finish this work by March 2003; however, this part of the planning process proved to be more complex than expected and was not completed until December 2003.

As benchmarks for most of the new performance measures will be set next fiscal year, this year's Report on Performance provides an overview of key issues faced by LSS, followed by a discussion of the society's work on developing performance measures, implementing a new governance framework, and advancing its strategic objectives.

Key issues affecting LSS performance

An environmental scan and risk analysis conducted in fall 2003 identified seven key issues that affect the society's ability to achieve its objectives. While these issues form the context for the *LSS Service Plan 2004/2005 – 2006/2007*, many were addressed by the society's activities throughout 2003/2004.

New service delivery system: LSS is still evaluating and learning how best to utilize its new service delivery system. This involves defining the society's policies, processes, and plans, and reviewing the organizational and individual capacity levels necessary to deliver services. As work in this area progressed throughout the year, LSS adjusted staffing levels and administrative procedures to better meet service delivery needs. Next year, this work will continue with ongoing capacity assessments and business process reviews.

Opportunities for innovation and collaboration: Throughout the transition to a new service delivery system, LSS retained and continued to build its credibility both internally and externally. Stakeholders recognize the value of their relationship with the society as a partner in developing new ways of meeting the legal needs of people with low incomes. LSS is committed to working with others to enhance sector-wide planning and increase the efficiency and effectiveness of services. The society's board liaison director positions and new performance measures are designed to support, evaluate, and develop its work in this area.

Reputation and credibility: Key to the society's success in meeting its mandate is its ongoing commitment to preserving its credibility with funding agencies and the broader community, and its reputation as an enterprising service provider that can get things done and expend funds appropriately. Partnerships with others in the justice system through, for instance, family duty counsel projects; ongoing work with service providers such as PovNet; and cost-effective, ground-breaking approaches to services such as the enhanced LawLINE project help LSS maintain this positive status.

Culture: LSS has a high percentage of long-term, dedicated, and skilled employees who provide great benefit to clients. The society is committed to retaining staff by

nurturing a culture in which employees feel they can be a meaningful part of the organization's success and pursue their personal growth and development. Staff training continues to be a high priority, and this year the society launched an employee wellness project. Next year, LSS will continue to assess workloads, finalize annual performance review and training programs, and conduct an employee satisfaction survey as part of setting benchmarks for its performance measures.

Funding model: The society needs to protect its ability to allocate dollars to long-term initiatives, particularly when funding agencies' policies and criteria for the use of contributed funds may lead to an overemphasis on short-term (project) thinking. This year, LSS operated 20 projects that were designed either to help determine the most effective use of limited funding or to upgrade and streamline administrative operations (see table 3, page 23). Most were completed by year-end, and next year the society will focus on a smaller number of key projects.

Legal aid rates: Legal aid delivery is highly dependent upon having an available pool of skilled private bar lawyers to represent clients. A growing risk for the society is the continued decline in the number of lawyers who are willing to accept legal aid referrals. This situation is exacerbated by low remuneration rates (tariffs) that make it increasingly uneconomical for lawyers to represent LSS clients, particularly given the growing length and complexity of court cases. Some of the ways LSS is addressing this issue include simplifying tariff systems so less administrative time is required of lawyers, conducting a tariff review, supporting quality assurance systems that give lawyers access to legal resources, and including lawyer satisfaction in the society's performance measures.

Justice reform: As the province's legal aid provider, LSS plays a key role in ensuring the needs of people with low incomes are considered by everyone involved in justice reform. Changes to the system, however, may also impact LSS by increasing demand for its services. This, in turn, can increase the society's costs, and/or reduce its ability to allocate funds and services to programs it believes will be most effective. The society currently participates in justice reform committees that are looking at ways to assist self-represented litigants and make the family law system more responsive to clients' needs. It plans to expand its work in this area next year.

Case volumes

In addition to the above, an ongoing risk factor for LSS is the demand-driven nature of legal aid services. Case volumes can be affected by a variety of circumstances that are beyond the society's control. These range from fluctuations in the number of children taken into care by the government or changes in economic conditions that affect poverty levels, to how many criminal charges are laid by Crown counsel. LSS can mitigate, but not eliminate, this uncertainty by basing its budget projections on average volumes and costs over several years and by adjusting its coverage and financial eligibility criteria. The process for handling large and complex cases under the society's MOU with the government (see Appendix 4) reduces the risk of running out of funds to meet unanticipated needs in a given year.

Performance measures developed

By December 2003, LSS had developed a logic model to help clarify its goals and objectives. Using this model, the society refined its existing strategic objectives, creating four new objectives directed toward achieving the long-term goal of providing services that respond to the legal needs of people with low incomes (see sidebar, page 10). LSS then developed key strategies to address issues identified in the environmental scan and risk analysis, and established performance measures to gauge the society's success in meeting its objectives. These strategies and measures are presented in detail in the *LSS Service Plan 2004/2005 – 2006/2007*.

Determining the most appropriate measures for assessing the quality of a service organization's work is an ongoing process. LSS concluded that its previous performance measures, which relied solely on quantitative operating data (for example, numbers of applications and referrals — see Appendix 6), could describe volumes and activities, but could not help the society assess the quality or efficiency of its services. After considerable research and deliberation, LSS adopted surveys as its primary method for measuring performance over the next three years (see sidebar). Four surveys approved by the LSS board in fall 2003 will assess tariff lawyer, client, employee, and intermediary satisfaction.

These surveys will allow LSS to ask key stakeholders for their views on whether the society offers the services that are most needed in their communities, and how well it delivers its services. Listening and responding to their concerns will help LSS identify areas in need of improvement, and will increase the society's accountability to those who are directly affected by its work. Ultimately, this approach should help the society collaborate with others to enhance access to justice for people with low incomes.

The society does not anticipate being able to benchmark its performance against other legal aid plans. Each plan is structured differently, and to date no consistent method of tabulating or analyzing information has been established among them.

Measure 1.1: Baseline set for lawyer satisfaction survey

A baseline was established for the first performance measure this year, while the remaining five were under development at year-end.

LSS conducted a tariff lawyer satisfaction survey in February and March 2004. This survey covered topics such as the referral process, account processing, and authorizations. It also asked lawyers about their views regarding the level of service LSS provides, what the priorities for legal aid should be, and areas where the society can improve.

The survey drew a 39% response rate from lawyers. Of those responding, 68% indicated that, overall, they were satisfied with the level of support they receive from LSS. The society will analyze the survey more fully next fiscal year, and use it as the basis for establishing a target for improving this result.

LSS objectives and performance measures 2004/2005 – 2006/2007

Objective 1

Build the necessary capacity in LSS staff, systems and processes, professionals, and service providers to provide required services

Measure 1.1	Status in 2003/2004
Overall rating by LSS tariff lawyers of their satisfaction with the support provided by LSS	Baseline established: 68% of lawyers satisfied
Measure 1.2	
Overall LSS employee satisfaction rating	Under development

Objective 2

Improve the responsiveness of LSS services to the legal needs of low income individuals

Measure 2.1	Status in 2003/2004
Overall rating by clients of their satisfaction with LSS services	Under development
Measure 2.2	
Overall rating by intermediaries of how LSS responds to the legal needs of low income individuals in BC	Under development

Objective 3

Increase awareness of LSS services among intermediaries so that more low income individuals are referred to appropriate LSS services

Measure 3.1	Status in 2003/2004
Overall rating by intermediaries of their level of awareness of LSS services	Under development

Objective 4

Apply LSS influence to ensure the legal needs of low income individuals are considered in justice system reform

Measure 4.1	Status in 2003/2004
Resources utilized by LSS on justice reform activities	Under development

Governance framework implemented

This year, LSS implemented the governance framework it developed in spring 2003 for the incoming board of directors.

The three critical components of good governance are an empowering legislative framework, by-laws and policies that support and promote the board's work, and orientation and development to ensure the board has the capacity to govern effectively.

The first two components were put in place last year when the government revised the LSS Act and the society developed new board by-laws and policies. Work on the third component began in May 2003, when LSS governance was transferred from an official trustee to a new board of directors.

Board objectives 2003/2004

Strategic direction

- Adopt a mission, vision, and set of objectives for the next three to five years, and a strategic planning process for the organization
- Set clear organizational priorities (and strategies) for 2003/2004

Risk management

- Effectively manage budget variations for 2003/2004
- Evaluate the society's performance in relation to its strategic direction

External communications

- Clearly understand and articulate key stakeholder perspectives and needs through regular, consistent contact and dialogue

Advising

- Serve as an effective sounding board to the executive director of LSS

Board performance

- Clearly understand every major aspect of LSS operations and key business issues
- Complete a written evaluation of the board's performance that successfully articulates the board's strengths and results in a learning and development plan for the board and its members

Employer of the executive director

- Complete an independent and comprehensive written evaluation of the LSS executive director that successfully articulates both his strengths and a plan for development

The board took office in the second of three consecutive years of revenue reductions, and in the midst of a planning cycle based on a strategic plan the new directors had no hand in creating. The orientation program therefore focused on introducing directors to the society's work, discussing best practices for boards, and reviewing and refining the governance framework. The initial orientation took place at a retreat prior to the first board meeting in June 2003. This was supplemented with ongoing introductions to the society's work at subsequent board meetings.

Board objectives and performance assessment

In September 2003, the board identified its primary objectives for the year (see sidebar) and adopted a performance evaluation process. These were designed to enhance the board's ability to provide leadership and direction through strategic and service planning.

The evaluation process consists of specific indicators for each objective and a self-assessment questionnaire. Board members endorsed the idea that the main purpose of evaluating their performance is to provide a snapshot of what is and is not going well at the board level. In addition, the process is intended to —

- clarify individual and collective roles and responsibilities,
- improve working relationships among board members and between the board and management,
- identify strengths in board practices, and
- determine areas for board improvement.

This approach allows the board to focus on key areas of governance for a specific period and to shift its focus as the governance role evolves during subsequent years.

Board and Executive Management Committee members completed the questionnaire at year-end. The results will be summarized and presented for discussion and action at the board's annual retreat in June 2004.

E-governance

E-governance has the potential to transform how organizations make decisions and govern their activities.

This year, LSS developed a secure board website that it uses to distribute material before meetings, update resources, and approve draft minutes. This site is proving to be an invaluable tool for increasing board members' access to information and enhancing their decision-making abilities. It also allows members' expertise to be more readily available to one another and to the society. As board members reside in various parts of the province, this technology is particularly useful in helping them exercise informed and effective leadership.

The society demonstrated this innovation at the second annual Crown Corporation Governance Conference in Ottawa at the end of January 2004. Conference participants greeted the society's work in this area with enthusiasm and recognized LSS as being at the forefront in developing strategies for effective governance.

Strategic objectives advanced

Although the existing strategic objectives were refined for next year's service plan (and are reflected in that plan's vision, goal, objectives, and strategies), they continued to guide the society's activities throughout 2003/2004.

Work undertaken to advance these strategic objectives focused primarily on building and stabilizing the society's new service delivery system to ensure access to justice for people with low incomes. The following sections discuss this work.

Developing innovative services

- Develop and continually improve an integrated legal aid system that provides a range of high quality legal services that are responsive to the needs of low income individuals
- Develop, implement, and evaluate innovative approaches to improve delivery of legal services

Sections 9(1)(a) and (b), and 9(2)(d) of the LSS Act (see Organization Overview) anticipate that the society will be flexible and innovative in providing effective legal aid services to low income people and in facilitating their access to justice. In response to the 2002 funding cuts, LSS faced the challenge of both streamlining and maintaining the quality, affordability, and accessibility of its services. Family law and poverty law were particularly affected by the reductions. Representation services were severely restricted in family law and eliminated in poverty law.

Pilot projects help LSS support and develop its core programs. Several projects conducted in 2003/2004 (and scheduled to continue through next fiscal year) will help the society understand unrepresented litigants' needs and the extent to which those needs can be met through services ranging from limited legal representation and advice to Web-based information. Successes in this area can improve access to services by reducing pressures on the courts and helping clients negotiate the justice system more effectively.

This work is funded through strategic initiatives and PLEI services under the MOU, and through grants from the Law Foundation and Notary Foundation that the society allocates to work that is outside the MOU but within the LSS mandate.

Family duty counsel and advice lawyers

In fall 2002, LSS initiated family duty councel (FDC) projects in provincial courts across BC to determine whether this service offers a viable way to help low

income people who do not qualify for legal representation (see Appendix 3). By the end of December 2003, FDC services were available in 44 locations. In Vancouver, an expanded version of the project is co-housed with family justice counsellors who refer clients to duty counsel.

Interim evaluations of the projects were completed by fall 2003. Based on interviews with clients and key partners, the evaluators found that the services enjoy considerable support from clients, the judiciary, court registry staff, and lawyers. Key partners praised the projects for helping to resolve family cases in a timely and effective manner.

In the evaluation of the expanded Vancouver project, respondents said FDC clients experienced reduced delays and fewer adjournments to seek counsel, less anxiety, better understanding of the legal issues and procedures, and a higher frequency of consent orders. One-third to one-half of clients served under this expanded model reported receiving an immediate resolution to their problem that could be considered final. Of the other cases settled at the time of the interviews, the evaluation said that 63% "were likely seen as a positive resolution by the client."

On average, clients assisted through the other FDC projects gave the service an overall satisfaction rating of 5.6 on a 7-point scale (7 indicating "very satisfied").

This initiative will continue to March 31, 2005. Next year, the society will establish family duty counsel in selected circuit court locations and conduct a final evaluation of the initiative.

Two advice lawyer projects — one located in four Supreme Courts, the other in six family justice counsellor offices and co-sponsored by the Ministry of Attorney General's Family Justice Services Division (see Appendix 3) — provided limited assistance to low income self-represented litigants or parents experiencing separation or divorce. These will also continue to March 31, 2005.

Family mediation and extended family services

Two projects were implemented this year in response to requests from the private bar that LSS increase its support for mediation services and approve additional services in situations where clients would remain at risk of harm if their custody, access, or other family issues were unresolved.

A one-time initiative set aside limited funding for a maximum of 250 family cases where counsel believed the issues were amenable to mediation, all parties were willing to participate, and the process could be completed by March 31, 2004.

An extended family services project was designed to provide up to 50 additional hours of service to approximately 500 clients at greatest risk and whose trials would be concluded before March 31, 2004. LSS invited counsel to submit an opinion letter by August 31, 2003, on behalf of any client they believed met the society's criteria for extended services.

These initiatives, however, received limited response from the private bar and were underutilized. Project evaluations identified several factors that led to the private bar's low participation rate.

The consensus among lawyers interviewed for the evaluation of the mediation initiative was that the types of cases LSS now covers are not amenable to the process because of the high level of conflict involved (e.g., violence or child apprehension).

Many of the lawyers interviewed about the extended family services initiative attributed the low participation rate to concerns that they could not complete cases by March 31, 2004. A number of respondents commented that the program requirements were too vague, making it difficult to discern which cases would qualify for the funding. However, most respondents supported the concept of extended family services and wanted the project to continue.

LawLINE enhancement and LawLINK expansion

Innovative thinking led LSS to enhance LawLINE with brief legal services for people with low incomes, as well as to re-design, and expand public access to, the LawLINK website (formerly LSS LINK).

LawLINE

LSS is the first legal aid organization in Canada to provide brief legal advice and related services through a hotline program. The enhanced LawLINE project (see Appendix 3) is piloting the effectiveness of having lawyers and paralegals provide these services during, and often following, a phone conversation. LawLINE lawyers also provide limited consultation advice to community advocates.

The service has been in high demand since its inception, with call volumes regularly exceeding the number of staff available to provide assistance. LSS responded to this by adding regular and casual staff, and using technology to improve efficiency (see Technology, page 20). Callers do wait for service, however, particularly during peak periods.

By year-end, almost one in two LawLINE callers received advice services while the others were given legal information or referrals to other agencies. The average time spent on a LawLINE advice matter (including an initial call and any follow-up services) is about 30 minutes, and can be anywhere from 15 minutes to 3 hours. The time spent on an information matter tends to be between 5 and 10 minutes.

The enhanced LawLINE services will operate until March 31, 2005. An interim evaluation of the project, to be conducted early next fiscal year, will help the society determine whether the service has a measurable impact on the ability of unrepresented litigants to resolve their legal problems.

LawLINK

Under the LawLINK expansion project, LSS placed additional public access computers featuring the LawLINK website (see Appendix 3) in selected community agencies and courthouses, where they also support the family duty counsel projects. The public access computers offer direct telephone access to LawLINE.

The LawLINK project is designed to help LSS —

- learn how clients interact with the technology and how effective that technology is in helping them resolve their legal problems,
- identify which client groups benefit from the technology, and
- determine the value and effectiveness of integrating LawLINK with LawLINE and family duty counsel services.

Video conferencing between LawLINE staff and LawLINK users at the Kelowna Regional Centre is also being piloted.

The LawLINK project is scheduled to continue until March 31, 2005. Interim evaluations will be completed in spring and fall 2004, and a final evaluation report should be ready in February 2005. The LawLINK website won a major award this year (see Appendix 3).

Aboriginal child welfare

At the end of 2000/2001, LSS began a two-year project designed to reduce the number of Aboriginal children separated from their parents or communities by child apprehension proceedings, and to facilitate a greater use of alternative support mechanisms for parents and other family members.

Work on this initiative, which was funded by the Law Foundation, was suspended last year while LSS completed its transition to a new service delivery system. Although consultations with representatives of Aboriginal communities indicated the initiative would still be valuable, LSS decided it would be more useful if carried out after changes underway at the Ministry of Children and Family Development are fully implemented.

The society also determined that, given its own restructuring, it was not in a position to complete the work. LSS therefore returned the project's unspent $21,204 to the Law Foundation.

Collaborating with others

- Identify and assess the legal needs of low income individuals in British Columbia, and increase awareness of the services provided by LSS
- Build and maintain relationships with communities to enhance our mutual ability to meet the needs of people with low incomes
- Work with others for justice system reform, and, in doing so, advocate for the interests of low income individuals

To be effective, the society's work must be rooted in the identified needs of people with low incomes. Inherent in the first objective above, based on section 9(2)(a) of the LSS Act (see Organization Overview), is the goal of expanding the society's client base by increasing public awareness of LSS services. This objective also acknowledges that as the society deepens its understanding of its clients' needs, it is developing an area of expertise that gives LSS legitimacy at the justice reform table.

In addition, to meet section 9(2)(c) of the LSS Act, LSS must work with the rest of the justice system and with communities in BC toward mutual goals. The term "community" includes groups of people with interests that intersect with those of LSS. The development of these relationships takes time and resources, but LSS is building on existing connections formed throughout its 24-year history.

LSS is committed to working with others to effect justice reform that enhances access to justice for people with low incomes.

Aboriginal needs assessment

LSS has initiated an Aboriginal needs assessment that involves developing —

- a clear statement of the society's mandate and capacity to provide services addressing the range of legal issues that affect Aboriginal communities, and
- contacts with Aboriginal communities.

Next year, LSS will consult with community representatives to establish a basis for providing effective services to the First Nations of BC.

Board liaison

In preparation for its annual planning retreat in June 2004, the board of directors approved a framework for meetings between liaison directors and key external organizations and individuals (see Governance). The framework includes a variety of questions about trends that are likely to affect LSS over the next 5 to 10 years. The questions also encourage stakeholders to identify issues their organizations face that are relevant to LSS and to give the society feedback on its current work.

PLEI Working Group

LSS is providing leadership in the Public Legal Education and Information Working Group of BC, established to co-ordinate delivery of PLEI services in the province. Formed in response to recommendations in the *Review of the Role of Public Legal Education in the Delivery of Justice Services* (2002), a report commissioned by the Ministry of Attorney General, the working group consists of organizations with a mandate to provide province-wide PLEI services.

As one of its first endeavours, the group published a catalogue identifying legal information and advice resources available in BC. The catalogue won a prestigious award this year (see Appendix 3).

Acting on behalf of the group, LSS received a research grant from the Law Foundation to conduct a PLEI community profile and needs assessment in BC. In the first phase of work, the researchers interviewed 20 organizations and found that most service providers agree that a number of groups and communities could benefit from expanded and co-ordinated PLEI services. These include Aboriginal people, people living in rural and remote communities, recent immigrants (particularly those who speak languages other than English), and people with low literacy skills. The final report is expected in fall 2004.

Justice reform

This year, LSS participated in several committees examining justice reform issues. These include the Supreme Court Self Help Centre Advisory Committee, Supreme Court Pro Bono Civil Duty Counsel Project, and BC Justice Review Task Force's Family Justice Working Group.

The Supreme Court Self Help Centre Advisory Committee was initiated by the Law Courts Education Society in 2002 to develop a pilot project proposal for two court-based self-help centres for self-represented litigants (SRLs). A feasibility study funded by the Law Foundation and conducted for the committee identified the needs, issues, and gaps in services and proposed a collaborative model for the project.

The Supreme Court Pro Bono Civil Duty Counsel Project came about in response to concerns raised by members of the judiciary who want co-ordination of Supreme Court civil duty counsel advice and pro bono services. Committee members participated in the pilot project proposal for SRL self-help centres.

The BC Justice Review Task Force established the Family Justice Working Group in July 2003. The task force asked the working group to explore potential changes that would enable the family law system to provide better services to parents and children. Areas the working group is examining include services promoting non-adversarial and settlement-oriented processes, appropriate court structure, and simplified and streamlined court processes and procedures.

The society expects to further develop and expand its justice reform activities next fiscal year, when it will establish a benchmark for future performance in this area.

Securing funding

- Secure sufficient funding from diverse sources for LSS to fulfill its mandate, and be accountable for the use of that funding

LSS receives the majority of its funding from the provincial government. The MOU between the society and the Attorney General governs the use of that funding.

The society also receives annual grants from the Law Foundation and the Notary Foundation. It can allocate these, and other non-MOU funds, to projects and services that are within its mandate under the LSS Act but outside the MOU.

Without sufficient funding, the society cannot fulfill its mandate. An LSS priority is to diversify its sources of revenue. In addition to giving the society broader flexibility in the services it can make available, this is an important means of establishing independence from the provincial government.

This objective also recognizes that accountability is a reasonable expectation that comes with funding.

Immigration services funding

In response to the provincial government's announcement in 2002 that it would not fund immigration legal aid beyond March 31, 2004, LSS made it a priority to investigate alternative revenue sources to support some services in this area.

LSS pursued various funding options throughout the year. Following discussions between the federal and provincial governments, a cost-sharing agreement was reached that will provide the society with funding for limited immigration services in 2004/2005. The province will provide LSS with $1.7 million (relying on the federal government to cover $900,000 of that amount).

LSS applied for an additional $300,000 from federal pilot project funds to supplement this allocation so it could provide legal representation for up to 520

refugees in merit-tested cases. At year-end, the status of this additional funding remained uncertain.

Effective April 1, 2004, assistance will be limited to helping clients initiate refugee claims. This will include preparation of Personal Information Forms. The society will monitor referral volumes to determine whether funds may become available for some representation services in hardship cases.

Criminal legal aid enhancements

This year, the society succeeded in its application for funding from the Legal Aid Renewal Fund. The fund, established under a draft agreement between the federal and provincial governments, covers innovations implemented from April 1, 2002, through March 31, 2005. It is restricted to activities related to criminal law services.

This funding will allow LSS to relax financial eligibility (see Appendix 5) for criminal matters for 13 months, effective March 1, 2004, and sustain services it currently provides in this area through the LSS Call Centre, LawLINE, regional centres, and local agents.

The change in financial eligibility will enable LSS to provide legal aid to an estimated 6,500 more people next fiscal year. Given the time it takes for these matters to work their way through the courts, however, the society expects to continue incurring costs from these cases into 2008.

Project grants

The society regularly supplements its funding by applying for project grants from the Law Foundation of BC. In 2003/2004, as in previous years, the foundation supported ongoing LSS initiatives, including tariff processing enhancements, quality assurance programs for tariff lawyers, and Family Law in British Columbia website development.

Improving capacity

- Develop and retain staff who work to their potential to meet the society's objectives, and expand the capacity of legal professionals and other service providers to assist low income individuals to resolve their legal problems

To be effective, LSS needs dedicated, contented, and high-performing employees. At the same time, the society recognizes that most of the legal services provided through LSS are now delivered to clients by lawyers and others outside the society.

Lawyers who represent clients are central to the success of any legal aid plan. In BC, the private bar now handles 96.3% of all legal aid referrals (compared to 93.4% in 2002/2003 and 77.1% in 2001/2002, before the funding cuts announced in January 2002 took effect). At the same time, intermediaries ranging from community advocates to librarians have a

David Griffiths, Manager, Field Operations, speaks to LSS staff and local agents at an LSS Intake Symposium in Vancouver in January 2004. *Lois Shelton photo*

crucial role in increasing the society's capacity to deliver services.

The society supports staff and other service providers by —

- encouraging high quality legal services through training programs for staff, lawyers, and intermediaries; and
- enhancing systems to increase administrative efficiency (e.g., simplifying the tariff system and implementing E-billing for lawyers, and upgrading computer resources for staff).

This year, the society initiated several additional approaches to addressing capacity issues for staff, the private bar, and community intermediaries. These are described below.

LSS staffing

LSS began this fiscal year with 68% fewer staff than it had at April 1, 2002. Ongoing assessments of the society's capacity to provide services with reduced staff and funding resulted in several improvements. For example, the number of FTEs increased slightly to 145.1 at March 31, 2004 (compared to 142.8 last year). As well, LSS began to develop greater employee flexibility to address work volumes and fill short-term vacancies. This included cross-training staff so they can assist as needed with high workload volumes in other jobs within and across divisions.

Additional support was provided by hiring term or casual staff — many of whom are former LSS employees familiar with the society's policies and procedures — to assist during peak periods or with short-term administrative projects. LSS also hires people on short-term contracts for project-specific work that requires particular expertise.

Employee wellness program

In October 2003, LSS launched an employee wellness program for staff. "The Key to Our Hearts: A Partnership in Health" is intended to support employees' efforts to take care of themselves so they can be of service to others.

The project provided staff at all regional centres with access to programs ranging from a fitness challenge plan and lunch hour talks on issues such as elder care, to a "Walk Your Way to Health" contest and an LSS corporate team for the annual Sun Run. Almost all employees participated in at least one program.

Benefits from programs like this include improved morale and reduced absenteeism due to illness.

Tariff review and SCAP evaluation

A tariff review was initiated in February 2004 in response to concerns that the steadily decreasing number of private lawyers willing to accept legal aid referrals may be impeding the society's ability to respond to the needs of low income people. In 2003/2004, 1,027 private bar lawyers accepted referrals for cases opened during the year (compared to 1,078 in 2002/2003 and 1,263 in 2001/2002). The tariff bar has long reported that an underfunded tariff is a key reason for this situation.

The review involves research and consultation with LSS staff, the tariff bar, and other justice system providers. The focus is on establishing and maintaining a tariff that both attracts private bar lawyers who will provide quality services for LSS clients, and promotes efficiency and effectiveness within the legal aid and the overall justice system. The review will also establish methods and criteria for incorporating regular tariff evaluations into the society's administration to ensure legal aid is sustainable and responsive to changing needs.

Interim reports are scheduled for June and October 2004, and the final report is due in June 2005.

An evaluation of the society's Strategic Case Assessment Program (SCAP — see Appendix 4) for lengthy criminal cases determined that the program is meeting its goals and is largely accepted by the private bar. Completed in summer 2003, the evaluation found SCAP encourages counsel to address strategy early in a case and expedites billing and payments.

Community development fund

LSS established a one-time fund this year to raise the profile of LSS and its programs, enhance community relationships, support community partners, and increase the society's ability to distribute legal information through community intermediaries.

This fund supported —

- assistance to community agencies by funding, for instance, PovNet's Building Web Connections project, which provided free online space for anti-poverty groups at www2.povnet.org/bwc;
- regional advocacy conferences, community outreach activities (see Serving communities, this page), and projects designed to help clients with low incomes find legal information and assistance; and
- the donation of up to 250 computers and limited technical support to community groups, intermediaries, and advocates (to be delivered next fiscal year).

The computers will become available when LSS replaces its nearly five-year-old equipment to improve ergonomics and efficiency for staff. While the ageing equipment is inadequate to meet the society's future business needs, it is in excellent condition and will benefit community agencies. Delays in procuring new computers for LSS, however, meant the donations had to be postponed until next year.

Serving communities

- Have a presence in all regions of British Columbia through people and technology

The province's distinct regions present varying challenges for meeting the legal needs of people with low incomes. To address these challenges, LSS provides some level of infrastructure in each region and uses new technologies to deliver legal aid services.

Community outreach

LSS staff visited communities across the province this year to raise awareness about the society's projects, legal information resources, and core programs. For example —

- at LSS regional advocacy conferences, legal information outreach workers (LIOWs), fieldworkers, and managers explained the scope of available services, how to access them, and how advocates can use these services to help their clients; and
- LIOWs and managing lawyers visited community agencies in their regions to demonstrate LawLINK and explain other LSS services. From November 2003 through March 2004, LIOWs spoke at close to 200 community meetings attended by more than 1,200 intermediaries.

Staff provide in-person assistance to applicants at the society's 7 regional centres and 21 local agent offices, which serve smaller communities (see Appendix 1).

John Simpson, Manager, Community Services, explains how to use LawLINK at the Port Coquitlam Provincial Court. *Brenda Rose photo*

This year, adjustments were made in the distribution of these offices. An intake office was established at the Port Coquitlam Provincial Court in response to increased volumes there. Meanwhile, low client demand for local agent services in Langley led to the closure of that office. Most clients from that area were going to the Surrey Regional Centre or the Surrey courthouse to apply for legal aid.

People can also access some LSS services through government agents in 59 communities (see Appendix 1).

Technology

LSS delivers call centre and legal information services using telecommunications technology, and makes wide use of the Internet to provide lawyers and the public with access to legal information (see Appendices 1 and 3).

In March 2004, LSS introduced telephone interpreter services to help callers to the LSS Call Centre or LawLINE who have limited or no English and cannot come to an office. LSS will evaluate the service as part of the enhanced LawLINE project.

This year, LSS also developed and built a computer application designed to link the society's new LawLINE, community group, and publications databases. The application allows LawLINE staff to create new files and access existing client files so they can help callers more quickly and efficiently. When the community database is available early next year, staff will also have ready access to current information such as which local agencies can best help callers with their issues.

Financial Report

LSS experienced improved financial stability in 2003/2004. For the seventh consecutive year, the society had an operating surplus, and, for the first time in as many years, none of the surplus had to go toward paying an accumulated deficit.

Management discussion and analysis

The society closed 2003/2004 with $4.9 million in cash and $10.6 million in investments, offsetting the $15.5 million in liabilities. Because LSS needed an improved method of forecasting costs, this year it changed the way it reports its liability for tariff payables (see Tariff expenditures, page 23). This accounting change resulted in a one-time $6.6 million adjustment, which increased the society's accounts payable and decreased its operating surplus for the year.

Two major projects completed this year improved the society's reporting abilities and enhanced tariff processing. LSS introduced a new Human Resources Information System that gives the society the ability to run reliable and timely reports on salaries, wages and benefits, employee history, and staff training and development. Tariff Operations launched its electronic billing system for province-wide use, allowing private bar lawyers to submit invoices through the Internet. E-Billing accounted for 60% of the invoices submitted in March 2004, improving the efficiency of the Tariff Operations Division.

Income

The provincial government provides the major portion of the society's income (see table 1). This revenue is subject to a three-year MOU between LSS and the Attorney General.

This was year two of the MOU, which outlines anticipated provincial funding for legal aid and the priorities for its use. It defines exceptional matters and establishes a stable process for funding them (see Tariff expenditures, page 23). It also allocates specific amounts for representation in each area of law, for public legal education and information services, and for service and strategic objectives; and sets out priorities for reallocating surpluses and shortfalls among budget categories during the year. The society's obligation to provide services is limited to the funding allocated in the MOU for each specific area.

Table 1 Legal Services Society Income, 2003/2004

Income	Actual	%	Budget	%
Core government funding	$ 63,979,424	89.9	$ 63,622,000	93.9
Law Foundation grant	3,272,500	4.6	3,272,500	4.8
Notary Foundation grant	796,171	1.1	450,000	0.7
Legal Aid Renewal Fund [1]	1,644,400	2.3	–	–
Other [2]	1,103,196	1.6	400,000	0.6
Law Foundation project grants	335,481	0.5	–	–
Total	**$ 71,131,172**	**100.0**	**$ 67,744,500**	**100.0**

[1] The federal government provides this funding to the provincial government, which then transfers it to LSS.
[2] Other includes interest income, publishing revenue, administrative fees, etc.

Table 2 Legal Services Society expenditures, 2003/2004

Expenditure	Actual [1]	%	Budget	%
Contracted representation services and support (tariffs, etc.)	$ 43,090,370	62.3	$ 41,690,500	61.5
Service and strategic initiatives (see table 3)	4,218,558	6.1	7,097,500	10.5
Client liaison (offices, PLEI)	6,575,572	9.5	6,722,844	9.9
Administration (infrastructure/system support)	8,679,928	12.5	12,233,656	18.1
Change in tariff estimate	6,637,859	9.6	–	–
Total	**$ 69,202,287**	**100.0**	**$ 67,744,500**	**100.0**

[1] The total consists of the following in the Statement of Operations, page 32: total expenditures from operations ($62,971,397) minus transition costs (recoveries of $406,969) plus the change in tariff estimate ($6,637,859).

Under federal-provincial contribution agreements, the federal government reimburses the provincial government for some legal aid costs. In 2003/2004, the federal contribution to BC for criminal, young offender, and immigration legal aid was $12.0 million.

In addition, the society will receive $1.6 million for 2003/2004, and anticipates receiving $3.65 million in 2004/2005 and $2.65 million in 2005/2006 from the Legal Aid Renewal Fund, which is designed to support innovative services that address unmet needs in criminal law (see Report on Performance, page 17).

Both the Law Foundation and the Notary Foundation provide annual grants to LSS (see table 1, page 21) with income from interest earned on trust funds held by their members. The Notary Foundation is required under the Notaries Act to contribute 50% of this income to LSS.

The society can allocate this grant income at its discretion, as it is not subject to the MOU. This year, the grants supported strategic initiatives (see Expenditures, this page). LSS accounts for how it allocates these funds in its quarterly reports under the Budget Transparency and Accountability Act. These expenditures are also audited along with the rest of the society's finances at year-end.

The Law Foundation also provided LSS with $123,500 in project grants. This amount was included in this year's revenue, along with $211,981 in Law Foundation project grants deferred from 2002/2003. The remainder was deferred to 2004/2005 for subsequent work on these projects.

These grants can be used only for the designated projects. LSS is required to provide the Law Foundation with semi-annual reports on the work and can carry unspent funds into subsequent years to complete the projects. However, the society must return unspent funds when projects come in under budget or are not completed.

Because of the elimination of the accumulated deficit in 2002/2003 and improved cash management, the society had more cash in hand available to invest. As a result, LSS generated $647,052 in investment income this year (compared to $428,892 in 2002/2003).

Expenditures

The society's expenses came to $69.2 million in 2003/2004 (see table 2) compared to $73.2 million in the previous fiscal year. Tables 5 to 10 summarize the society's expenses for the past five years.

The major spending reductions were in tariffs (down $3.9 million), grants and contracted services (down $1.7 million), and salaries and benefits (down $3.5 million) (see Statement of Operations, page 32). These reductions were an anticipated result of operating at the new service levels.

LSS allocated $7.1 million and spent $4.2 million (excluding Law Foundation grants and capital costs) for service and strategic initiatives in 2003/2004 (see table 3). These initiatives were undertaken

Table 3 Service and strategic initiatives expenditures, 2003/2004

Initiative	Expenditure
Aboriginal child welfare [1]	–
Family Law website (phase 2) [2]	–
Finance system [2]	$ 14,322
Human Resources Information System [2]	34,025
Tariff simplification [1]	–
Aboriginal needs assessment [1]	–
Case Management System enhancement	215,466
Community development fund	231,353
Core PLEI materials	365,767
Employee wellness program	31,814
Enhanced rate for lawyers on E-Billing	671,000
Extended family services	344,960
Family duty counsel and advice lawyers	1,218,030
Family mediation	7,581
Information management for staff lawyers	5,340
LawLINE enhancement [2]	482,306
LawLINK expansion	357,105
PLEI working group	80,167
Quality assurance [2]	94,607
Strategic initiatives resources	64,715
Total	**$ 4,218,558**

[1] These initiatives involved only staff time in 2003/2004 and therefore incurred no project costs.

[2] Expenditures other than project costs on these initiatives came from Law Foundation project and capital funds. These expenditures were $53,970 (Law Foundation grant) for the Family Law website (phase 2); $6,850 (capital costs) for the finance system; $92,855 (capital costs) for the Human Resources Information System; $254,335 (capital costs) for LawLINE enhancement; and $98,152 (Law Foundation grant) for quality assurance.

to improve access to legal services, develop new systems to provide legal information, and improve the administration of the society. Service initiatives included Case Management System enhancements and E-Billing for private bar lawyers. Strategic initiatives included the family duty counsel, extended family services, LawLINE enhancement, and LawLINK expansion projects.

Some of these initiatives contributed to spending increases in specific areas. Duty counsel costs rose by $1.4 million, primarily as a result of the new family duty counsel and advice lawyer projects (see table 10, page 27). Community services costs rose by $1.8 million, mainly due to the LawLINE enhancement, LawLINK expansion, community development fund, core PLEI materials, and PLEI working group projects (see table 7, page 26).

Tariff expenditures

Tariff costs continued to decline during the year because of the reduction in family coverage and lower than expected Child, Family and Community Service Act (CFCSA) and immigration referrals. In 2003/2004, external factors such as fewer child apprehensions by the government and a smaller number of refugee claims in Vancouver account for much of the unanticipated volume declines. These savings were somewhat offset by increased criminal costs (see table 10, page 27).

While establishing spending limits for a three-year period under the MOU improves the society's long-term planning abilities, it also requires greater accuracy in forecasting tariff expenditures. Previously, annual tariff expenditures were calculated using actual amounts billed to the society by April 20 each year (i.e., 20 days after the end of the fiscal year). The disadvantage of this system is that it does not reflect the cost of all the work done by private bar lawyers that year.

To improve on this system, LSS contracted an actuary to develop a method of predicting future expenditures and estimating the total liability for tariff services provided by the private bar at the end of each fiscal year. The actuary's model includes actual costs based on invoices received and estimated costs for work on all unbilled referrals made during the fiscal year.

Using the new model, LSS determined that its liability at the end of 2003/2004 was $6.6 million greater than the amount calculated using the historical method. This $6.6 million is included in the criminal tariff costs for 2003/2004 (see table 10, page 27). The society believes the actuary's model better reflects its real liability and has the potential to provide more accurate average case costs for budgeting purposes. The tariff liability calculated using the actuary's model is 90% accurate, 19 times out of 20.

The budget for exceptional matters (see Appendix 4) this year was $2.7 million plus $813,913 in deferred revenue from last fiscal year. (Under the MOU, unspent funds allocated to this item are treated as deferred revenue for these cases in the future.) Expenditures came to just over $2.7 million, resulting in a year-end deferred contribution of $772,208.

LSS continued to manage lengthy criminal cases through its Strategic Case Assessment Program (see Report on Performance, page 18) and retained its case cap policy (see Appendix 4).

Holdbacks

The board of directors authorized the payment of holdbacks for criminal, family, CFCSA, immigration, and duty counsel cases to an aggregate amount of $2.0 million. The payment will be made on a pro rata basis for fees approved between April 1, 2003, and March 31, 2004. The holdback payment is included in the tariff costs for 2003/2004.

In addition, the society deferred an earlier plan to replace the holdbacks with a 10% reduction to all tariffs on April 1, 2004, until the tariff review is completed (see Report on Performance, page 18).

Future outlook

The society had an accumulated surplus of $4.4 million at March 31, 2004 (see table 5). This amount consists of $1.6 million invested in property and equipment, $600,000 internally restricted for alternative dispute resolution pilot projects in the area of child protection, and $2.2 million in unrestricted net assets (see Balance Sheet, page 30). Currently, LSS is unable to access year-end surpluses without the approval of the Minister of Finance and the Attorney General. The society and the Ministry of Attorney General are working together to establish a process that meets the requirements of both LSS and the provincial government for using these surplus funds in subsequent years. Without such an agreement, these funds will be unavailable for legal aid services.

A key area of concern for the society is the long-term outlook for immigration legal aid and LSS legal advice services. While funding for limited immigration services is available for next year, to date neither the federal nor the provincial government has agreed to support legal aid in this area beyond March 31, 2005 (see Report on Performance, page 16). Similarly, while there is every indication that the final evaluations for family duty counsel, family advice lawyer, and LawLINE legal advice services will conclude they are effective, efficient, and greatly needed, no long-term funding is in place to ensure their continuation beyond March 31, 2005.

Overall, the MOU has increased the society's stability by providing longer-term funding and allowing LSS to plan for three years rather than for one year at a time (see table 4). The society expects the main risks to this stability over the next year to come from potential cost pressures from inflation and the tariff review. Without additional funding, these costs will have to be covered using currently available funds.

A major endeavour in 2004/2005 will be to negotiate a new three-year MOU with the Attorney General.

Table 4 Financial outlook

	2003/2004 Actual	2004/2005 Projected	2005/2006 Projected
Income (all sources)	$ 71,131,172	$ 65,653,077	$ 64,650,489
Expenditures			
Contracted representation services and support	43,090,370	41,687,300	41,571,800
Strategic initiatives and other expenses	19,474,058	23,965,777	23,078,689
Change in tariff estimate	6,637,859	–	–
Total expenditures	69,202,287	65,653,077	64,650,489
Surplus (deficit)	$ 1,928,885	$ –	$ –

Table 5 History of income and expenditures

	2003/2004	2002/2003	2001/2002	2000/2001	1999/2000
Income	$ 71,131,172	$ 76,326,537	$ 101,458,186	$ 88,324,187	$ 86,544,948
Expenditures	69,202,287	73,220,635	95,535,921	87,515,039	83,650,024
Excess income over expenditures	1,928,885	3,105,902	5,922,265	809,148	2,894,924
Accumulated surplus (deficit)	$ 4,393,135	$ 2,464,250	$ (641,652)	$ (6,563,917)	$ (7,373,065)

Table 6 History of operating expenditures: Legal aid offices [1]

	2003/2004	2002/2003	2001/2002	2000/2001	1999/2000
Regional centres	$ 4,715,833	$ 3,015,176	$ –	$ –	$ –
Local agents	719,250	464,502	–	–	–
Contracted services [2]	1,094,341	644,295	–	–	–
Brydges duty counsel	243,538	242,843	229,576	211,248	207,317
Other [3]	–	12,443,049	29,903,237	23,998,362	22,372,277
Total	**$ 6,772,962**	**$ 16,809,865**	**$ 30,132,813**	**$ 24,209,610**	**$ 22,579,594**

[1] In September 2002, branch offices, community law offices, native community law offices, and area directors were replaced by regional centres, local agents, and the LSS Call Centre.

[2] Contracted services include Community Legal Assistance Society and West Coast Prison Justice Society.

[3] Other includes costs for former offices and former contracted services.

Table 7 History of operating expenditures: Client programs

	2003/2004	2002/2003	2001/2002	2000/2001	1999/2000
Appeals	$ 501,077	$ 494,235	$ 647,791	$ 564,584	$ 607,968
Community Services	1,965,441	185,645	–	–	–
Public Legal Education and Information	1,593,245	490,328	–	–	–
Other [1]	–	917,684	2,223,539	2,117,285	1,909,322
Total	**$ 4,059,763**	**$ 2,087,892**	**$ 2,871,330**	**$ 2,681,869**	**$ 2,517,290**

[1] Prior to September 2002, Other included Library services, Public Legal Education, Publishing, and Native Programs. From September 2002 onward, these costs are included under Public Legal Education and Information and Community Services.

Table 8 History of operating expenditures: Service delivery support

	2003/2004	2002/2003	2001/2002	2000/2001	1999/2000
Tariff, Audit and Investigation	$ 1,401,693	$ 1,395,135	$ 1,400,170	$ 1,354,843	$ 1,303,586
Field Operations [1]	836,740	531,794	895,038	869,348	821,846
Total	**$ 2,238,433**	**$ 1,926,929**	**$ 2,295,208**	**$ 2,224,191**	**$ 2,125,432**

[1] Field Operations includes reciprocals.

Table 9 History of operating expenditures: Management and administration

	2003/2004	2002/2003	2001/2002	2000/2001	1999/2000
Human Resources [1]	$ 760,605	$ 677,174	$ 1,184,480	$ 1,134,290	$ 1,108,355
Finance and Corporate Services	2,613,210	2,889,780	3,513,022	2,951,341	2,755,559
Information Technology	2,001,973	2,323,670	2,529,604	2,492,076	2,250,867
Communications	62,265	56,277	51,063	46,886	43,570
Depreciation	739,736	940,370	1,455,537	1,275,748	1,071,140
Total	**$ 6,177,789**	**$ 6,887,271**	**$ 8,733,706**	**$ 7,900,341**	**$ 7,229,491**

[1] Human Resources includes training.

Table 10 History of operating expenditures: Tariff [1]

Area of law	2003/2004	2002/2003	2001/2002	2000/2001	1999/2000
Criminal [2]	$ 27,349,175	$ 19,269,211	$ 18,835,042	$ 18,947,381	$ 19,087,078
Family	6,432,371	11,319,885	18,162,787	16,530,017	15,898,761
CFCSA	3,563,404	4,112,980	4,200,867	4,225,398	4,024,888
Immigration	3,647,560	3,695,260	4,435,750	5,271,599	5,212,065
Exceptional matters [3]	2,741,705	1,426,087	–	–	–
Duty counsel [4]	5,014,337	3,639,683	3,187,290	2,766,854	2,449,565
Human rights [5]	26,373	189,343	398,582	526,060	310,541
Prison [6]	–	97,034	173,834	142,927	92,336
Transcripts	952,918	1,223,329	1,164,625	1,299,439	1,432,072
Pro bono disbursements	109,153	155,077	320,547	217,520	138,496
Staff case disbursements	116,344	380,789	623,540	571,832	552,415
Total [7]	**$ 49,953,340**	**$ 45,508,678**	**$ 51,502,864**	**$ 50,499,027**	**$ 49,198,217**

[1] Tariff expenditures include disbursements and holdback payments. Recoveries from lawyers for accounts billed in error ($61,303 in 2003/2004 and $97,147 in 2002/2003) and recoveries from clients ($413,092 in 2003/2004 and $537,279 in 2002/2003) are paid back into the applicable tariff budget.

[2] The 2003/2004 change in tariff estimate is included in the criminal tariff amount for that year.

[3] Costs for exceptional matters (see Appendix 4) were not reported separately or were not covered by LSS prior to April 1, 2002.

[4] Duty counsel includes circuit court counsel payments and family duty counsel projects (for FDC projects, these costs were $1,218,030 in 2003/2004 and $187,322 in 2002/2003). It does not include Brydges costs (see note 7), which are included in the duty counsel amount in the Statement of Operations on page 32.

[5] Human rights coverage was eliminated as of April 1, 2002, due to funding cuts to the commission. Expenditures in 2003/2004 and 2002/2003 were for referrals issued prior to April 1, 2002. The BC Human Rights Commission (via the provincial government) reimbursed LSS for the cost of the human rights tariff for BC Human Rights Act matters.

[6] The 2002/2003 total includes payments to private bar lawyers for referrals made prior to September 2002.

[7] The 2003/2004 total consists of the following expenditures shown in the Statement of Operations on page 32: tariffs plus transcripts plus duty counsel plus change in tariff estimate minus Brydges (included in duty counsel). Brydges costs (reported separately under legal aid offices in table 6) were $243,538. The 2003/2004 change in tariff estimate is included in the criminal tariff amount for that year.

The 2002/2003 total consists of the following expenditures shown in the Statement of Operations on page 32: tariffs plus transcripts plus duty counsel minus Brydges (included in duty counsel) minus mental health and prison services (included in grants and contracted services). Brydges costs (reported separately under legal aid offices in table 6) were $242,843, and mental health and prison services (reported separately as contracted services under legal aid offices in table 6) were $644,295.

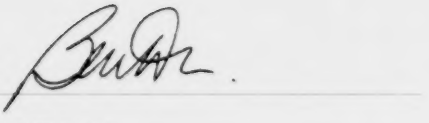
Legal Services Society Financial Statements 2003/2004

Legal Services Society Management's Responsibility for the Financial Statements

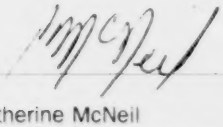
Management is responsible for the preparation of the society's financial statements. This responsibility includes maintaining the integrity and objectivity of the society's financial records, and presenting the society's financial statements in accordance with Canadian generally accepted accounting principles.

Management maintains a system of internal controls that ensures that all material agreements and transactions of the society are properly recorded. The society's financial statements for the year ended March 31, 2004, have been examined by Deloitte & Touche. Their examination was made in accordance with Canadian generally accepted accounting standards, and included obtaining a sufficient understanding of the society's internal controls to plan the audit.

The directors of the Legal Services Society board are not employees of the society. The board of directors is responsible for determining that management fulfills its responsibilities in the preparation of the financial statements and the control of the society's financial operations. The board of directors meets with staff of Deloitte & Touche to discuss their audit work, the society's internal controls, and the financial statements. The board of directors is responsible for approving the financial statements.



Mark Benton
Executive Director



Catherine McNeil
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Deloitte & Touche

Auditors' Report

To the Board of Directors,
Legal Services Society, and

To the Attorney General,
Province of British Columbia

We have audited the balance sheet of Legal Services Society as at March 31, 2004 and the statements of changes in net assets, operations and cash flows for the year then ended. These financial statements are the responsibility of the Society's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In our opinion, these financial statements present fairly, in all material respects, the financial position of the Society as at March 31, 2004 and the results of its operations and its cash flows for the year then ended in accordance with Canadian generally accepted accounting principles.

Deloitte & Touche LLP

Chartered Accountants
Vancouver, British Columbia
May 14, 2004

Deloitte
Touche
Tohmatsu

Legal Services Society
Balance Sheet

As at March 31, 2004

	2004	2003
Assets		
Current assets		
Cash	**$ 4,932,456**	$ 4,350,013
Short-term investments (note 3)	**9,096,808**	5,941,123
Accounts receivable (note 4)		
Government of British Columbia	**1,695,927**	778,411
Government of Canada	**464,522**	549,004
Other	**436,607**	216,886
Prepaid expenses	**85,181**	109,237
Total current assets	**16,711,501**	11,944,674
Long-term investments (note 3)	**1,517,133**	–
Property and equipment (note 5)	**1,636,103**	1,521,365
	$ 19,864,737	$13,466,039
Liabilities		
Current liabilities		
Accounts payable		
General	**$ 1,544,398**	$ 896,046
Tariff (note 8)	**11,784,331**	6,545,220
Transition costs	–	846,000
Professional staff benefits plan	**465,506**	536,314
Current portion of obligation under capital lease	–	22,470
Deferred contributions (note 12)	**1,677,367**	2,155,739
Total current liabilities	**15,471,602**	11,001,789
Surplus in net assets		
Invested in property and equipment	**1,636,103**	1,498,894
Unrestricted	**2,157,032**	365,356
Internally restricted (note 13)	**600,000**	600,000
	4,393,135	2,464,250
	$ 19,864,737	$13,466,039

Commitments (note 10)

The accompanying notes are an integral part of these financial statements.

Approved by:

Bruce Hardy

Bruce Hardy, Acting Chair of the Board of Directors

Legal Services Society
Statement of Changes in Net Assets

For the year ended March 31, 2004

	Invested in property and equipment	Unrestricted	Internally restricted (note 13)	Total 2004	Total 2003
Balance, beginning of year	$1,498,894	$ 365,356	$600,000	**$ 2,464,250**	$ (641,652)
Excess (deficiency) of income over expenditures for the year	(739,736)	2,668,621	–	**1,928,885**	3,105,902
Investment in property and equipment	876,945	(876,945)	–	–	–
Balance, end of year	$1,636,103	$ 2,157,032	$600,000	**$ 4,393,135**	$ 2,464,250

Legal Services Society
Statement of Operations

For the year ended March 31, 2004

	2004	2003
Income		
Grants		
Government of British Columbia	**$ 63,979,424**	$ 71,544,971
Legal Aid Renewal Fund	**1,644,400**	–
Law Foundation	**3,607,981**	3,674,463
Notary Foundation	**796,171**	514,995
	70,027,976	75,734,429
Other income		
Interest	**647,052**	428,892
Legal costs recovered from clients	–	48,665
Miscellaneous	**456,144**	114,551
	1,103,196	592,108
	71,131,172	76,326,537
Expenditures		
Amortization	**739,736**	940,370
Area directors/Local agents	**719,250**	551,521
Board expenses	**65,247**	19,940
Computer	**1,395,981**	1,394,810
Duty counsel	**5,236,282**	3,882,526
Grants and contracted services	**3,190,015**	4,904,720
Libraries	**97,590**	117,215
Miscellaneous	**98,345**	247,113
Office	**1,028,761**	906,379
Premises	**1,099,343**	1,572,315
Publications	**172,949**	77,720
Salaries and benefits	**10,548,466**	14,057,244
Tariffs (note 7, 8)	**37,369,819**	41,289,961
Transcripts	**952,918**	1,223,329
Travel	**256,695**	167,738
	62,971,397	71,352,901
Excess of income over expenditures from operations	**8,159,775**	4,973,636
Transition costs (note 11)	**406,969**	(1,867,734)
Change in tariff estimate (note 8)	**(6,637,859)**	–
Excess of income over expenditures	**$ 1,928,885**	$ 3,105,902

Legal Services Society
Statement of Cash Flows

For the year ended March 31, 2004

	2004	2003
Cash flows provided by (used in):		
Operating activities		
Excess of income over expenditures for the year	**$ 1,928,885**	$ 3,105,902
Items not involving the outlay of cash		
Amortization	**739,736**	940,370
	2,668,621	4,046,272
Changes in non-cash operating items		
Accounts receivable	**(1,052,756)**	6,907,823
Prepaid expenses	**24,057**	73,847
Accounts payable	**5,887,463**	1,643,222
Transition costs	**(846,000)**	(4,724,000)
Professional staff benefits plan	**(70,808)**	(408,909)
Deferred contributions	**(478,372)**	1,284,452
	6,132,205	8,822,707
Investment activities		
Property and equipment additions	**(854,474)**	(879,173)
Short-term investments	**(3,155,685)**	(5,941,123)
Long-term investments	**(1,517,133)**	–
	(5,527,292)	6,820,296
Financing activities		
Equipment lease payments	**(22,470)**	(224,766)
Net increase in cash position	**582,443**	1,777,645
Cash, beginning of year	**4,350,013**	2,572,368
Cash, end of year	**$ 4,932,456**	$ 4,350,013
Supplemental cash flow information		
Interest paid	**$ 840**	$ 7,334

Legal Services Society
Notes to the Financial Statements

For the year ended March 31, 2004

1. The Society

Purpose

The society was established under the Legal Services Society Act on October 1, 1979, and is not an agent of the crown. On May 9, 2002, a new Legal Services Society Act replaced the 1979 act. The society's objects for the 2003/2004 fiscal year were to —

- help low income individuals resolve their legal problems and facilitate access to justice for them,
- establish and administer an effective and efficient system for providing legal aid to low income people in British Columbia, and
- provide advice to the Attorney General about legal aid.

The society is not subject to income taxes.

Governance

The society was governed by an official trustee to May 31, 2003. A board of directors assumed office on June 1, 2003, and governed the society for the balance of the year.

Funding

In 2004, the society received 92% (2003 – 94%) of its operating income from the Government of British Columbia and 5% (2003 – 5%) of its operating income from the Law Foundation of British Columbia. The society depends on funding from these sources for the continuance of its operations.

2. Significant Accounting Policies

Basis of accounting

These financial statements have been prepared in accordance with Canadian generally accepted accounting principles for not-for-profit organizations.

Income recognition

The society follows the deferral method of accounting for contributions. Unrestricted contributions are recognized as income when received or receivable, if the amount can be reasonably estimated and collection is reasonably assured. Restricted contributions for expenditures that will be incurred in future periods are deferred and recognized in the period in which the related expenditures are incurred.

Expenditure recognition

The society recognizes expenditures on an accrual basis. Tariff expenditures include amounts billed by lawyers to the society and an estimate of amounts of services performed by lawyers but not yet billed to the society.

Use of estimates

The preparation of financial statements, in conformity with Canadian generally accepted accounting principles, requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities at the date of the financial statements, and the reported amounts of income and expenditures during the reporting period. Significant estimates are used for tariff expenditures. Actual amounts could differ from management's best estimates.

Donated services

Donated services are recorded at fair value when they would normally be purchased by the society and when fair value can be estimated for the services. If fair value cannot be reasonably estimated, the services are not recorded.

Investments

Short-term investments include treasury bills, provincial bonds, banker acceptance, and finance and corporate paper with a maturity of less than one year, and are carried at the lower of cost and market value.

Investments with a maturity beyond one year are considered long-term. These investments are carried at cost. Where there is a decline in the value of the investment that is considered to be other than temporary, the investment is written down to recognize the loss.

Property and equipment

Property and equipment are recorded at cost and are amortized on a straight-line basis as follows:

	Per year
Furniture	20%
Equipment	20%
Computer equipment	33%
Computer software	33%
Case Management System	10%
Leasehold improvements	20%

3. Investments

The combined carrying value of the society's short-term and long-term investments is $10,613,941 (2003 – $5,941,123). Included in Accounts receivable — Other is $111,627 for accrued interest related to investments (2003 – $48,405). The investments have a market value at March 31, 2004, of $10,745,350 (2003 – $5,980,348).

4. Accounts Receivable — Government of British Columbia

Included in Accounts receivable is $1,644,400 for costs claimed under the Investment in Legal Aid Renewal Fund, which is part of the Agreement Respecting Legal Aid in Criminal Law, Youth Criminal Justice Act and Immigration and Refugee Matters between the Government of Canada and the Province of British Columbia.

5. Property and Equipment

	Cost	Accumulated amortization	Net book value 2004	Net book value 2003
Furniture	$ 245,458	$ (138,184)	**$ 107,274**	$ 72,260
Equipment	1,066,909	(872,030)	**194,879**	299,149
Computer equipment	3,123,338	(2,905,460)	**217,878**	360,623
Computer software	913,490	(488,868)	**424,622**	89,754
Case Management System	1,126,527	(772,331)	**354,196**	466,106
Leasehold improvements	1,081,862	(744,608)	**337,254**	233,473
	$ 7,557,584	$ (5,921,481)	**$ 1,636,103**	$ 1,521,365

6. Donated Services

The society's Vancouver Regional Centre (VRC) premises are provided at a reduced rent under an agreement between the City of Vancouver and the building's owner that expires on June 14, 2004. The annual difference between the market value of the rent and the rent paid is approximately $253,000 (2003 – $226,000). Because the society would not be leasing its current VRC offices if it were paying the full market rent, this donation is not recorded in the society's financial statements.

Lawyers from the private bar are retained by the society to represent eligible clients in criminal, immigration/refugee, and family cases. Some lawyers subsidize the society by accepting fees for their services that are less than what they would normally charge privately. Because the donated portion of these services cannot be reasonably estimated, it is not recorded in the society's financial statements.

7. Tariff Holdbacks

The $11,784,331 of tariff payables includes $2,000,000 (2003 – $3,000,000) of tariff holdbacks, as described below.

Since 1994, the society has held back a percentage of tariff fees payable to lawyers from the private bar. In past years, where funds were available, the society authorized payment after year-end of some tariff holdbacks, and such amounts were expensed. The total holdback on tariff accounts for the year ended March 31, 2004, approximated $3,877,000 (2003 – $3,964,000), of which $1,877,000 (2003 – $964,000) is not required to be paid and therefore has not been recorded as a liability of the society as at March 31, 2004, or included in the tariff expenditures for the year.

8. Tariff Liabilities

	2004	2003
Balance, beginning of the year	**$ 6,545,220**	$ 4,648,878
Tariffs, duty counsel expenditures for the year	**42,606,101**	45,172,487
Less tariff payments made during the year	**(44,004,849)**	(43,276,145)
Balance, before change in accounting estimate	**5,146,472**	6,545,220
Change in accounting estimate [a]	**6,637,859**	–
Balance, end of the year	**$ 11,784,331**	$ 6,545,220

a) In the current year, the accrual for tariff payables has been revised using an actuarial model to estimate legal services performed but not yet billed to the society. This change in accounting estimate has been applied prospectively. The effect of the change, at March 31, 2004, is to increase expenditures by $6,637,859, and decrease the "excess of income over expenditures" for the year and the accumulated "surplus in net assets" by the same amount, with no restatement of prior periods.

b) At fiscal year-end, the liability for legal services performed by private bar lawyers that have not been billed to the society is estimated by management to be approximately $9,731,000. This estimate, which is included in the table above, incorporates average case costs and time frames for similar cases over a two-year period. In addition, there is $2,000,000 for holdbacks (note 7) and $53,331 other tariff liabilities.

Due to the uncertainty involved in the estimation process, there may be a difference between the estimated amount and the actual amount of liability. In the opinion of management, the actual liability could fall within a range of plus or minus 10% ($973,100).

9. Pension Plan

The society and its employees contribute to the Municipal Pension Plan, a jointly trusteed pension plan. A board of trustees, representing plan members and employers, is responsible for overseeing the management of the pension plan, including investment of assets and administration of benefits. The pension plan is a multi-employer contributory defined benefit pension plan. Basic pension benefits provided are defined. The plan has about 123,000 active contributors, including approximately 28,000 contributors from local governments.

Every three years, an actuarial valuation is performed to assess the financial position of the plan and the adequacy of plan funding. The most recent valuation as at December 31, 2000, indicates a funding surplus of $436 million for basic pension benefits.

The next valuation will be as at December 31, 2003, with results available in 2004. The Joint Trust Agreement specifies how surplus assets can be used. The actuary does not attribute portions of the surplus to individual employers. The society paid $497,133 in employer contributions to the plan in fiscal 2004 (2003 – $714,174).

10. Commitments

a) The society has the following commitments for long-term leases of its office premises and operating leases:

2005	$ 433,220
2006	587,353
2007	589,790
2008	549,790
2009	522,059
	$ 2,682,212

The society has entered into a 10-year lease agreement to relocate the Vancouver Regional Centre during the fall of 2004.

b) At fiscal year-end, the liability for future costs of legal services to be performed beyond the fiscal year is estimated by management to be approximately $13.8 million. This estimate uses the same methodology as described in note 8 for tariff payables. Due to the uncertainty involved in the estimation process, there may be a difference between the estimated amount and the actual amount of commitments.

11. Transition Costs

Transition costs were expenses that had been incurred or accrued to close or reduce a component of the society's operations and which provided no future benefit, or were required to restructure the society. Examples include severance pay, lease cancellation and relocation costs, and systems upgrades. During fiscal 2004, the society was able to recover unspent funds from previously funded agencies, and spent less than estimated to complete the transition. This resulted in the recovery of $406,969 in transition costs.

12. Deferred Contributions

Contributions that are restricted to funding specific expenditures are deferred and amortized to operations as the related expenditures are incurred.

	Balance as at March 31, 2003	Restricted contributions	Amortized to operations	Balance as at March 31, 2004
Government of British Columbia (duty counsel pilot)	$ 212,678	$ –	$ (212,678)	$ –
Law Foundation	505,322	123,500	(356,685)	**272,137**
Ministry of Children and Family Development	600,000	–	–	**600,000**
Human Resources Development Canada	23,826	109,226	(100,030)	**33,022**
Government of British Columbia (exceptional matters*)	813,913	2,700,000	(2,741,705)	**772,208**
Total	$ 2,155,739	$ 2,932,726	$ (3,411,098)	$ **1,677,367**

* The society's Memorandum of Understanding with the Attorney General of British Columbia provides for restricted funding for exceptional matters commencing with the 2003 fiscal year. Exceptional matters are cases that meet one or more of the following criteria:

- A court has ordered that counsel be provided.
- The complexity of the legal matter requires payment of fees in excess of the standard rate.
- Legal fees or disbursements exceed $50,000.
- Several individuals are involved in a similar or related legal proceeding.

13. Internally Restricted Net Assets

On March 31, 2003, the Ministry of Children and Family Development agreed to provide $600,000 to establish a pilot project for alternative dispute resolution programs in relation to child protection. The funds are included in Deferred Contributions. The society has matched this funding by internally restricting $600,000 of net assets for the same purpose.

14. Related Parties

The society is related to the province of British Columbia and its ministries, agencies, and Crown corporations. In 2003/2004, it was also related to its former community law offices and native community law offices. Transactions with these entities are generally considered to be in the normal course of operations and are recorded at the exchange amount, unless otherwise disclosed separately in these financial statements.

15. Comparative Figures

Certain comparative figures have been changed to conform to the current year's presentation.

Governance

LSS is governed by a nine-member board of directors. Of the nine directors —

- five are appointed by the Lieutenant-Governor in Council on the recommendation of the Attorney General, and
- four are appointed by the Law Society of BC after consultation with the executive of the BC Branch of the Canadian Bar Association.

The LSS Act outlines the need for the board as a whole to have a range of knowledge, skills, and experience in areas including —

- business management and the financial affairs of public and private sector organizations;
- law and the operation of courts, tribunals, and alternative dispute resolution processes;
- legal aid provision;
- BC's cultural and geographic diversity; and
- the social and economic circumstances associated with the special needs of low income people.

Section 25 of the act states that the "Lieutenant-Governor in Council may appoint an official trustee to manage the property and conduct the affairs of the society if, in the opinion of the Lieutenant-Governor in Council, the appointment is in the public interest and is required to ensure continued and effective delivery of legal aid." The official trustee assumes all the powers of the board.

Under this provision, Jane Morley, QC, was appointed official trustee on February 22, 2002, for a one-year term. In February 2003, her term was extended by Order in Council to May 31, 2003, to allow for a smooth transition to a new board and to give the appointing bodies additional time to designate directors who meet the criteria outlined in the act.

A new board assumed office on June 1, 2003. At March 31, 2004, the board members were —

- Gregory T. W. Bowden, QC (Chair) (Vancouver)
- D. Brent Adair, QC (Chilliwack)
- Janice Comeau (Vancouver) (from November 2003)
- Geoffrey Cowper, QC (Vancouver)
- Barbara L. Fisher (Vancouver)
- Leah George-Wilson (North Vancouver)
- Lawrence (Larry) Edward Goble (Victoria)
- Bruce Hardy (Surrey)
- John M. Hogg, QC (Kamloops)

William Stewart (Vancouver) sat on the board from June to September 2003.

Board governance

The board's governance framework, which is rooted in the LSS Act, consists of policies and by-laws reflecting established best practices for governance. Under its by-laws, the board's role is "to ensure the effective governance of the society through setting direction, monitoring performance, and hiring and supporting the executive director."

At their first meeting in each fiscal year, the directors elect a board chair and an executive committee. Established under section 5 of the LSS Act, the executive committee is headed by the board chair and consists of at least two other directors. This committee holds all the powers of the board between meetings except the power to fill vacancies on or alter the membership of board committees and powers excluded by resolution of the board. At March 31, 2004, executive committee members were —

- Gregory T. W. Bowden, QC (chair)
- Barbara L. Fisher
- Lawrence Edward Goble
- Bruce Hardy

The board also establishes standing and ad hoc committees to help it carry out its responsibilities. Unless otherwise directed by the board, the chair, in consultation with the society's executive director, appoints the members of these committees.

In 2003/2004, the board established a finance committee with a mandate to make recommendations on matters pertaining to the society's finances, funding, and fiscal allocations. At March 31, 2004, members of this committee were —

- Bruce Hardy (chair)
- Janice Comeau
- Leah George-Wilson

The by-laws provide for liaison directors, who are appointed to promote the ongoing exchange of information and co-ordination of efforts with external organizations and individuals on issues of common interest and concern. In 2003/2004, liaison directors met with the federated anti-poverty groups, the judiciary, the Law Society of BC, and Pro Bono Law BC. Early next year, they will meet with the Canadian Bar Association, BC Branch; the civil and criminal bar; and the Law Foundation of BC.

Senior management

The board of directors appoints an executive director to supervise, manage, and administer the business of the society. The executive director chairs the society's Executive Management Committee (EMC), which oversees the management of the society in accordance with the LSS Act and the society's mission statement, strategic goals, and policies. This committee develops the society's policies, budget, and service plan; implements new initiatives or changes to the service plan; makes decisions on emergency issues; responds or co-ordinates responses to board and board committee requests; co-ordinates grant applications to external agencies; and approves staffing decisions.

At March 31, 2004, EMC members were —

- Mark Benton, Executive Director
- Harold V. J. Clark, Director, Field Operations and Human Resources
- David H. Govett, Director, Legal Information, Technology, and Communications
- Catherine McNeil, Director, Finance and Corporate Services
- Gulnar Nanjijuma (recorder), Executive Assistant, Executive Office

The Operations Management Team (OMT) manages the day-to-day operations of the society in accordance with the LSS Act and the society's mission statement, strategic goals, and policies as established by the board of directors and EMC. This committee co-ordinates interdepartmental communications and initiatives, and forwards recommended policy changes to EMC. OMT also participates in the development of the LSS service plan and operational and administrative policies.

At March 31, 2004, OMT members were —

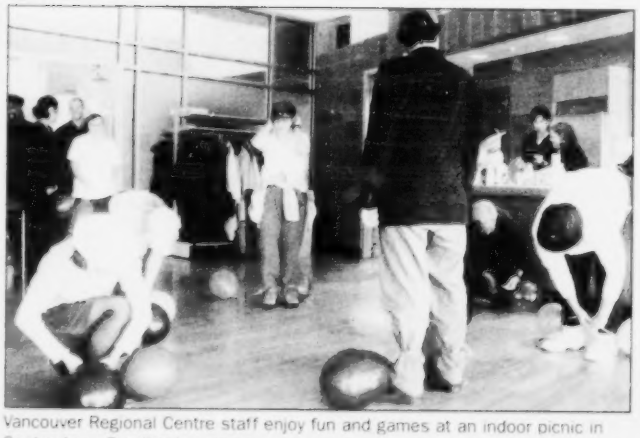
- David Griffiths (co-chair), Manager, Field Operations
- Edward Tanaka (co-chair), Manager, Audit, Investigation, and Appeals
- Joel Chamaschuk, Manager, Information Technology
- James Deitch, Manager, Tariff Services
- Thomas Fink, Manager, Research and Administration
- Heidi Mason, Manager, Field Operations
- Carol McEown, Manager, Public Legal Education and Information
- John Simpson, Manager, Community Services
- Janice Staryk, Manager, Tariff Operations
- Eugene Wandell, Manager, Financial Services
- Jean Wong, Manager, Human Resources
- Wendy Rausch (recorder), Executive Assistant, Legal Information, Technology, and Communications

Appendix 1:
Structure

People in BC can apply for legal aid at 7 LSS-operated regional centres, 2 regional centre satellites, and 21 local agent offices funded by LSS, or by calling the toll-free LSS Call Centre. (For a list of legal aid offices, see page 58.) Free legal information is available at these offices as well as through the society's websites and toll-free LawLINE service.

The society works to ensure its services are accessible to all communities. For example, LSS —

- funds interpreter and translator services for clients who need them to work with their legal aid lawyers,
- provides LSS Call Centre or LawLINE clients who have limited or no English with immediate access to a telephone interpreter (via three-way conference calls),
- produces public legal education and information materials in a variety of languages,
- requires staff to adhere to a code of ethics that includes non-discrimination and non-harassment, and
- follows an employment equity policy.



Vancouver Regional Centre staff enjoy fun and games at an indoor picnic in September. *Candice Lee photo*

LSS Call Centre

The LSS Call Centre is a toll-free service. Call centre staff —

- process legal aid applications for people who are unable to apply in person and refer eligible clients to lawyers; and
- redirect calls to legal information and/or advice services, including online and print materials, community agencies, LawLINE, and family duty counsel.

The call centre ensures access to legal aid, particularly for people who live in rural communities where there is no legal aid office, or who live with disabilities or face other circumstances that prevent them from travelling to an office. Waiting times for callers are comparable to those for applicants who apply in person.

Regional centres

Staff in regional centres —

- take applications for legal aid and refer eligible clients to lawyers;
- take legal aid referrals (staff lawyers);
- liaise between LSS and advocacy groups, court, and the private bar;
- co-ordinate regional duty counsel;
- direct clients to legal information and/or advice services, including online and print materials, community agencies, LawLINE, and family duty counsel; and
- help clients access online legal information and self-help resources using the LawLINK website and public access computers.

Local agents

Local agents are private bar lawyers funded by LSS to —

- take applications for legal aid and refer eligible clients to lawyers;
- take legal aid referrals (up to an equitable portion of the referrals issued by their office);

- liaise between LSS and the community and private bar; and
- direct clients to legal information and/or advice services, including online and print materials, community agencies, LawLINE, and family duty counsel.

At some local agent offices, clients can access online legal information and self-help resources using the LawLINK website and public access computers.

Other funded services

LSS contracts other agencies and/or private bar lawyers to provide Brydges line, circuit court, duty counsel, prison law, and mental health law services (see Appendices 2 and 3). Some LSS services are also available through government agents across BC.

Under contract with LSS, government agents provide clients with —

- copies of the society's legal information publications,
- access to the LawLINK website,
- limited free printing services, and
- a fax drop-off/pick-up point.

Provincial support services

Staff at the Vancouver Regional Centre provide services to the public, assistance to legal aid offices throughout the province, and support for private bar lawyers:

- Field Operations and Human Resources Department staff are responsible for intake and service delivery across the province, and personnel matters ranging from recruitment to labour relations.
- Finance and Corporate Services Department staff are responsible for the society's financial transactions, corporate research, service delivery support for private bar lawyers, audit and investigations, legal aid for judicial appeals, and administrative matters such as space planning and lease negotiations.
- Legal Information, Technology, and Communications Department staff are responsible for public legal education and information, corporate communications, and the society's computer systems (including development of and support for applications such as the society's Case Management System, and operations services such as server support and technical assistance for staff).

In addition, the Executive Office supports the LSS Board of Directors, board committees, and the Executive Management Committee to provide overall direction and policy planning for the society.

Appendix 2: Coverage

LSS provides legal representation to financially eligible people whose legal problems fall within the society's coverage guidelines.

Clients who qualify for legal representation are normally referred to the lawyer of their choice if that lawyer practices in the community where the case will be heard and is available and willing to do legal aid work. Clients are entitled to change lawyers once during a case. They must give LSS a reasonable explanation for their request for a new lawyer.

LSS also contracts private bar lawyers or provides staff lawyers to work as counsel in a number of circuit courts. These courts consist of a team that travels to remote areas of the province to hear cases. Many of the communities where these courts sit are small, rural, and predominantly Aboriginal. Circuit court lawyers represent clients in criminal, family, and youth court matters, including preliminary hearings and trials. They also provide duty counsel services (see Appendix 3).

LSS coverage provisions are outlined in the following sections.

Criminal law

LSS provides legal representation to financially eligible people charged with criminal offences who, if convicted, —

- are likely to go to jail,
- could receive a conditional sentence that would severely limit their liberty (e.g., an order for house arrest),
- might lose their means of earning a living, or
- could be deported from Canada.

Applicants also receive legal representation if they —

- do not face imprisonment if convicted but have a mental or emotional disability that prevents them from defending themselves (for instance, if they cannot understand the nature or possible consequences of the proceedings, or they are unable to communicate effectively with counsel or the court); or
- are Aboriginal and their ability to follow a traditional livelihood of hunting and fishing could be affected.

Under the federal Youth Criminal Justice Act, anyone under 18 years of age who is charged with a federal offence has a legal right to a lawyer paid for by the state. Coverage must be provided regardless of financial eligibility for legal aid or likelihood of imprisonment.

With special funding from the Ministry of Attorney General, LSS provides legal advice and representation to victims of, or witnesses to, sexual offences when the lawyer for the defence asks for disclosure of personal information (such as counselling records). Criminal Code provisions require a judge to hear arguments about the relevance of the information sought and the effect of a disclosure on the victim of, or witness to, a crime. Applicants requesting representation in these matters do not have to be financially eligible for legal aid to get a lawyer.

Family law

LSS provides legal representation in family law for financially eligible people who —

- are victims of domestic violence and likely need a restraining order,
- have a child or children at risk of violence and a supervised access order or restraining order is needed to protect them,
- need to change a current custody or access order to ensure their and/or their children's safety, or
- need a non-removal order to prevent the other parent from permanently moving their children out of the province (the threat must be real and imminent and involve a permanent change of residence).

Legal aid assistance for a family law problem is usually limited to one emergency referral. This referral may include several actions under the Family Relations Act or the Divorce Act, such as obtaining custody, access, and maintenance orders; orders preventing the other parent from selling or disposing of family assets; or restraining orders. Emergency referrals usually do not provide enough hours for the lawyer to represent the client at trial.

Coverage exceptions may be approved in extenuating circumstances. These include situations where —

- court documents refer to sexual, physical, or emotional abuse, and the offending parent or partner is back in the community;
- a serious condition or disability makes the applicant unable to represent him or herself, and the family matter must be resolved to avoid further harm;
- a child is kidnapped by the access parent, and there is an existing custody order or separation agreement;
- the applicant is the respondent in a maintenance enforcement committal proceeding and will be sent to jail as a result of a failure to pay maintenance;

- there has been complete denial of access for three months or more, in breach of a court order or separation agreement; or
- the applicant is a victim of litigation harassment.

Child apprehension law

LSS provides assistance to eligible clients who have a legal problem that falls under the Child, Family and Community Service Act (CFCSA) and the society's CFCSA coverage guidelines.

LSS guidelines provide legal aid coverage to applicants when —

- the Ministry of Children and Family Development (MCFD) has taken, or has threatened to take, their children away from them; or
- legal representation is required to deal with custody and access issues related to a child in the care of MCFD.

Immigration and refugee law

Until March 31, 2004, LSS provided full legal representation for financially eligible people who faced immigration proceedings that could result in their removal from Canada (see Report on Performance, page 16). Most immigration cases covered by legal aid were refugee matters.

Judicial appeals

Applicants who are financially eligible for legal aid may be covered if they are responding to appeals initiated by another party. For example, LSS normally covers a financially eligible defendant in a Crown appeal of an acquittal where the case is one the society would ordinarily cover. Otherwise, LSS funds only appeals that fall under the society's regular coverage criteria and have a reasonable chance of success.

Judicial appeals include —

- appeals of lower court decisions made to the BC Supreme Court, the BC Court of Appeal, the Supreme Court of Canada, and the Federal Court of Appeal; and
- applications for judicial reviews of decisions made by administrative boards or tribunals such as those under the Immigration Act (see Report on Performance, page 16) or the Canada Corrections Act. These applications are made to the BC Supreme Court or the Federal Court Trial Division.

Family appeals are limited to CFCSA cases and other matters related to custody and access where violence is an issue or where the children are being removed from the province.

The Appeals Division must approve all judicial appeals and all services to be provided in each case.

Mental health law

LSS contracts the Community Legal Assistance Society to provide representation at Mental Health Review Panels in BC where people are detained under the Mental Health Act, and at all Review Board hearings (established pursuant to the Criminal Code) in the Lower Mainland. LSS provides representation at review board hearings outside the Lower Mainland through referrals to the private bar.

Prison law

LSS delivers prison law services in all federal and correctional facilities in BC through the LSS Call Centre and the West Coast Prison Justice Society. Priority is given to prisoners in provincial institutions.

LSS policy, based on a right to counsel under the Charter of Rights and Freedoms, is to provide services in situations where clients are unable to protect their own liberty interests in a prison setting. LSS generally approves representation for clients facing internal disciplinary hearings, involuntary transfers to higher security,

Fieldworkers Cynthia Bartholomew and Eduardo Aragón distribute LSS public legal education materials at the Smithers regional advocacy conference in October 2003. *Denice Barrie photo*

detention hearings at the point of statutory release, segregation, or parole suspension or revocation.

Reciprocals

People who face proceedings in a Canadian jurisdiction outside their home province or territory may, if they meet specific criteria, receive the same level of legal aid service as the residents of that jurisdiction. To obtain this service, applicants must —

- be financially eligible for legal aid in their home province or territory, and
- have a legal problem that is covered by their home legal aid plan and the plan in the jurisdiction where the proceedings will take place.

Appendix 3: Legal Information and Advice Services

A priority for LSS is to provide at least some assistance to people who are ineligible for legal representation. The society offers a range of information and advice services that can help people with low incomes resolve their legal problems on their own or with assistance from intermediaries. Clients can access these services through legal aid offices, the Internet, and LawLINE, as well as through government agents, courthouses, community groups, and public libraries.

Advocate education and support

LSS offers advocacy skills training and education in substantive law for community advocates and intermediaries.

Brydges line

The province-wide 24-hour toll-free Brydges line telephone service gives prompt access to emergency legal advice for people who are arrested, detained, or under active investigation by the police or other law enforcement agencies but not yet charged.

Duty counsel

LSS funds private bar lawyers to provide duty counsel services in most courts to in- and out-of-custody accused people. Duty counsel advise unrepresented accused about the charges against them, court procedures, and their legal rights (including the right to counsel and the right to apply for legal aid). Duty counsel often act for

clients at hearings to apply for a release, enter a guilty plea, and/or speak to sentence.

In Vancouver, limited duty counsel services are available to people detained on immigration matters.

Clients do not have to be financially eligible for legal aid to receive the above LSS duty counsel services, but only those who meet LSS coverage and financial eligibility requirements are entitled to a referral for ongoing representation.

Family duty counsel (FDC) services are available in most provincial courts across BC as part of an LSS project scheduled to continue until March 31, 2005 (see Report on Performance, page 12). Private bar lawyers funded by LSS provide FDC services at each site on family list days for cases involving the Child, Family and Community Service Act; Family Relations Act; Family Maintenance Enforcement Program; and Family Maintenance Program.

Family duty counsel can give advice to unrepresented clients and speak on their behalf in court on simple matters, but they do not provide representation at trial. Priority is given to clients with matters scheduled for court that day and who meet the financial eligibility criteria for legal advice services.

Family advice lawyers

LSS delivers family advice lawyer services through two projects scheduled to continue until March 31, 2005 (see Report on Performance, page 12). Advice lawyers are available —

- once a week for four hours at the Supreme Court in Kamloops, Kelowna, Prince George, and Victoria to help self-represented low income people with Supreme Court family matters (the lawyers provide summary assistance but not representation); and
- at family justice counsellor (FJC) offices in Kamloops, Kelowna, Prince George, Surrey, Vancouver, and Victoria to assist low income parents who are trying to reach an agreement in a separation or divorce and who qualify for FJC dispute resolution services (through a joint project by LSS and the Ministry of Attorney General's Family Justice Services Division).

LawLINE

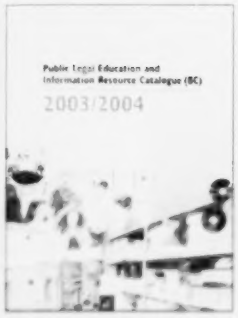
LawLINE, the society's province-wide toll-free telephone service, offers legal information to people with low incomes. LawLINE focuses on the areas of law for which LSS does not provide legal representation. LawLINE is staffed by lawyers and paralegals who answer legal questions and direct people to other information or services that can help them resolve their legal problems. LawLINE callers can get immediate access to telephone interpreters if needed.

Under the enhanced LawLINE project, scheduled to continue to March 31, 2005, lawyers and paralegals also provide brief legal services ranging from advice and help with correspondence to phone calls or letters to third parties on a client's behalf (see Report on Performance, page 14). These services are available to people who cannot use alternative legal services and who meet the society's income test for advice services (see Appendix 5).

Publications

LSS staff produce legal information and self-help materials in plain language to help clients identify, avoid, or resolve common legal problems.

Some publications are produced in languages other than English when a need for translated versions is identified. The society offers publications in Chinese, Farsi/Dari, French, Japanese, Korean, Punjabi, Russian, Spanish, and Vietnamese. Most LSS publications are posted on the society's websites at www.lss.bc.ca and www.familylaw.lss.bc.ca.



Award winning publications and websites

LSS is consistently recognized for producing quality public legal education materials. In 2003/2004, society publications and websites received Communicator and Apex Awards.

Both awards were established in the United States to recognize excellence in the communications field.

The following received Communicator Awards:

- *PLEI Resource Catalogue (BC) 2003/2004* (Crystal Award of Excellence), which was produced in conjunction with the BC Courthouse Library Society; Canadian Bar Association (BC Branch); The Law Centre (University of Victoria Clinical Law Program); Law Courts Education Society of BC; People's Law School; Simon Fraser University Centre for Education, Law and Society; and the University of British Columbia Law Students' Legal Advice Program
- LawLINK website (Award of Distinction)

The following received Apex Awards:

- *LSS Annual Report 2001/2003* (Award of Excellence)
- LSS Family Law in British Columbia website (Award of Excellence)

Website services

An important focus for the society is to use new technologies to make legal information available to the public. LSS manages three websites and supports PovNet.

Electronic Law Library

The Electronic Law Library (ELL) provides links to reliable legal information sites for the general public. These include statute, court, and government sites, as well as sites on topics ranging from Aboriginal law to young offenders. ELL is also a key resource for LSS staff, community advocacy groups, and libraries throughout the province. (www.bcpl.gov.bc.ca/ell)

Family Law in British Columbia

The Family Law in British Columbia website is dedicated to helping people understand and use the law to resolve their family law problems. It is also a resource for people who are trying to help friends or clients. The site contains publications on family law matters, self-help kits, a section on resolving family law problems, and links to other helpful organizations. (www.familylaw.lss.bc.ca)

LawLINK

LawLINK is a website designed to help low income people and their advocates find current, relevant, and usable self-help legal resources on the Internet. Public access computers featuring the website are available during regular office hours at all LSS regional centres, three local agent offices, and, as part of a pilot project, several non-LSS locations (see Report on Performance, page 14). Legal information outreach workers are available at some LawLINK locations to help people use the service. (www.lawlink.bc.ca)

LSS website

The LSS website contains information about the society and how to apply for legal aid; LSS coverage and eligibility guidelines; resources for lawyers; and services available from regional centres, local agents, and lawyers. This site also features publications about various aspects of the law. (www.lss.bc.ca)

PovNet

PovNet is a searchable website for people on welfare, advocates, community groups, and individuals involved in anti-poverty work. It provides information on and links to resources for a variety of issues affecting the rights of people with low incomes, and hosts a number of electronic discussion groups for advocates. PovNet is operated by a steering committee consisting of

representatives from more than 10 advocacy and service agencies in BC, including LSS. LSS also supports PovNet by providing funding, some administrative and financial supervision, and staff to answer questions on PovNet electronic discussion groups. (www.povnet.org)

Appendix 4: Legal Aid Rates

Private bar lawyers who represent legal aid clients are paid according to a schedule of fees and disbursements known as the tariffs. These are established by LSS in consultation with tariff committees representing private bar lawyers.

The criminal tariff is generally paid at block fee rates, which are based largely on court appearances and meant to include all services that are not billable separately, including case preparation. Block fees represent the average amount of time required for a proceeding at an hourly rate of $72 (after holdbacks — see page 49).

Fees for service increase according to the category of the offence. There are four categories:

- Category I — the least serious offences, such as breach of probation
- Category II — most summary or hybrid offences, such as simple assault or dangerous driving
- Category III — most indictable offences, such as breaking and entering or criminal negligence
- Category IV — the most serious offences, such as murder or kidnapping

The society's Strategic Case Assessment Program helps LSS develop budgets and predict costs and preparation needs for lengthy cases. It is applied to serious (category III or IV) offences for which the anticipated length of the preliminary hearing or trial exceeds 10 half-days of court time. Advance budget decisions are made co-operatively by LSS case review lawyers and trial counsel. This program pays lawyers a rate of $72 per hour (after holdbacks) for authorized preparation and court time. In complex cases, LSS may appoint junior counsel, who may bill at half the tariff rates.

The family and child apprehension (CFCSA) tariffs are $72 per billable hour (after holdbacks) up to specified maximums for preparation time. This fee is paid for all time spent in court.

Until March 31, 2004, the immigration tariff paid $72 per billable hour (after holdbacks) up to specified maximums for most work. A block fee was paid for travel costs, detention hearings, and reviews. Effective April 1, 2004, this tariff will pay the same rate, but for only a limited range of work (see Report on Performance, page 16).

Private bar lawyers with expertise in various areas of law advise and assist staff in assessing requests for extra fees and extraordinary disbursements. Most disbursement items requiring pre-approval are handled by LSS staff.

Large and unpredictable (usually criminal) cases have a serious impact on the society's budget. One way LSS manages these costs is by reserving the right to terminate a referral at any time once either the legal fees or the disbursements paid or billable for a case reach $50,000, and the society concludes that further expenditures are unjustified.

(Details of all tariffs are provided in the *Guide to Legal Aid Tariffs* on the LSS website.)

Exceptional matters

Under the Memorandum of Understanding (MOU) between LSS and the Attorney General, the society maintains a budget item to cover the costs of exceptional cases. These are legal proceedings that fall within the society's mandate where —

- representation is required to meet section 7 or 11 of the Charter of Rights and Freedoms and the client is a low income person who is financially ineligible for legal aid;
- the degree of complexity involved, a court order, or an agreement by the government requires the payment of fees and/or disbursements that exceed the standard limits set by LSS policies (see Enhanced fee cases, below);
- the total fees, disbursements, or both exceed $50,000; or
- there is an unusually large number of similar cases that together will result in higher than normal costs.

To help ensure that spending on exceptional cases does not affect the budgets for other LSS services, the current MOU allows the society to treat any unspent funds in that budget item as deferred revenue to cover exceptional matters in future years.

Enhanced fee cases

Cases deemed to be more complex than most category IV trials (based on criteria developed in consultation with the Criminal Tariff Committee) may qualify for enhanced fees of $125 per hour for senior counsel. Enhanced fees are not subject to holdbacks.

To be eligible for these fees, a lawyer must have a minimum of 12 years experience in criminal law practice (i.e., at least 50% of the lawyer's practice is in this area of law). In addition, the lawyer must have acted as lead counsel on a substantial number of complex category IV trials.

Enhanced fee requests are reviewed by a panel of three senior private bar lawyers.

Holdbacks

In 1994, LSS introduced tariff holdbacks as a cost control measure. Holdbacks are amounts deducted from accounts at the time of payment. At the end of each fiscal year, the board of directors determines whether funds are available in the tariff budgets to pay any portion of these amounts (see Financial Report, page 24).

The holdbacks are 10% for all tariffs.

Appendix 5: Financial Eligibility

Anyone whose net household income and assets fall below set limits is financially eligible for legal aid. Some income sources, such as the Canada Child Tax Benefit, are excluded from total net income, while some expenses, such as daycare costs, are deducted.

Applicants whose income is below the guidelines may own some assets and still be eligible for legal aid. There are five asset categories: family home, real property (any kind of real estate except the family home), vehicles, business assets, and personal property (excluding vehicles but including, for example, savings accounts, RRSPs, furniture, and jewellery). Each category has different limits, but applicants may still qualify for legal aid if they have some personal property (e.g., reasonable household furnishings), a small amount of liquid assets (e.g., cash, bank accounts), and equity of $5,000 or less in vehicles.

As a condition of receiving a legal aid referral, clients must agree to repay some or all of their legal aid costs if their financial situation improves and, on reassessment of their eligibility, the society asks them to do so. Clients with a significant share of equity in their family home may be reassessed at a later date and required to pay for some or all of their case costs.

Applicants whose income and assets are above the financial eligibility limits can still receive legal information.

Table 11 Income/Asset guidelines [1]

Household size	Net household monthly income			Personal property exemption
	Criminal cases [2] (Effective March 1, 2004)	Family cases [3] (Effective May 2002)	Immigration cases (Effective April 2000)	(All cases)
1	$ 1,154	$ 1,152	$ 1,002	$ 2,000
2	1,558	1,654	1,504	4,000
3	1,962	1,905	1,755	4,500
4	2,366	2,091	1,941	5,000
5	2,712	2,290	2,140	5,500
6	3,058	2,476	2,326	6,000
7 or more	3,404	2,636	2,486	6,000

[1] All case types include appeals. Family cases include child apprehension matters.

[2] Levels for criminal cases have been relaxed for the period March 1, 2004, through March 31, 2005. This is made possible with funding from the Legal Aid Renewal Fund to cover initiatives that improve criminal legal aid services.

[3] Levels for family cases incorporate the former "flex test" (prior to May 2002, those with emergency family problems or child apprehension matters could qualify for legal aid if their net household income exceeded the guidelines by up to $150; since May 2002, as a result of reduced family coverage, this has applied to all family and child apprehension cases).

Legal aid income/asset guidelines

There are three maximum income levels: one for criminal, one for family (including child apprehension), and one for immigration matters. Table 11 sets out the LSS income and personal property asset guidelines that were in effect at March 31, 2004.

Financial eligibility reassessments

Financial eligibility may be reassessed to determine whether a client is still financially eligible for legal aid. If the client is no longer eligible, legal aid is terminated and the individual must pay for a lawyer privately. Such reassessments normally occur —

- if the client's financial circumstances have changed during the course of a referral;
- if LSS becomes aware of assets, income, or family relationships that the client did not reveal during intake;
- when a new case is opened;
- when a change of lawyer is processed;
- as a result of a complaint about the client's financial eligibility; or
- on a random basis for auditing purposes.

A legal aid client's financial eligibility is always reassessed if he or she receives assets or money. In such cases, LSS calculates the total amount received and determines whether to convert the legal aid referral to a private fee retainer to collect a payment from the client. There is an exemption of $10,000 in assets or money received to cover basic needs, including housing. The maximum a client could be asked to pay toward legal expenses is 50% of the amount received after deducting this exemption.

Legal advice financial eligibility test

A separate financial eligibility test was adopted in 2003/2004 for most LSS legal advice services. Based on the test used by family justice counsellors, it was first implemented by LSS for family duty counsel project services. It is now also used for brief legal advice services under the enhanced LawLINE project and for some family advice lawyer services.

Table 12 Legal advice financial eligibility test

Number of family members [1]	Annual/monthly net income [2]
4 or fewer	$ 28,000/2,333.33
5	33,000/2,750.00
6	35,000/2,916.67
7 or more	38,000/3,166.67

[1] Family members include children and parent(s) or other adult(s) responsible for and living with the children.

[2] Income is the person's net income from all sources excluding that of a new spouse or child support payments.

To be eligible, a client's net income must fall within the limits set out in table 12. Clients who are not financially eligible can still receive —

- legal information and referral services from LawLINE,
- 20 to 45 minutes of general assistance from family duty counsel (depending on the lawyer's availability), and
- an initial 45-minute appointment with a family advice lawyer (if referred by a family justice counsellor).

Appendix 6: Operating Data

The tables in this section offer a detailed breakdown of the numbers of clients using LSS services. Data is provided on legal aid applications and referrals, LSS advice and information services, and policy compliance processes.

Applications and referrals

People can apply for legal aid at any of the society's regional centres or local agent offices, or by calling the province-wide toll-free LSS Call Centre (see Appendix 1).

All information an applicant or client gives to LSS is subject to solicitor-client privilege. LSS cannot disclose that information to any third party without the applicant's or client's informed written

Table 13 Demand for legal aid: All areas of law

Type of legal problem	2003/2004 Applications	2003/2004 Referrals total	2002/2003 [1] Applications	2002/2003 [1] Referrals total	2002/2003 [1] Information/ summary advice [2]	2001/2002 [1] Applications	2001/2002 [1] Referrals total	2001/2002 [1] Information/ summary advice
Criminal	28,821	21,828	28,837	21,970	2,559	33,662	24,288	3,628
Family [3]	8,754	4,410	8,309	4,062	2,139	19,862	11,112	4,531
CFCSA [4]	2,540	2,205	2,720	2,392	81	3,306	2,879	117
Immigration [5]	2,061	1,756	2,593	2,300	39	3,549	3,110	56
Other [6]	–	–	11,147	813	673	31,852	5,500	2,565
Total	**42,176**	**30,199**	**53,606**	**31,537**	**5,491**	**92,231**	**46,889**	**10,897**
Based on data run:	May 2004		May 2003			May 2002		

[1] Data as recorded in previous annual reports.

[2] In September 2002, summary advice for legal aid applicants was eliminated. In addition to the five months of summary advice during intake, this data includes legal information, diversion to alternate services, and referrals to outside agencies for applicants found ineligible for legal representation.

[3] Effective May 22, 2002, legal representation for family law matters was significantly reduced; 2002/2003 data reflects less than two months of the broader service provided under the society's former coverage guidelines. In 2003/2004, 722 referrals were approved on exception review (see page 43), compared to 378 in 2002/2003.

[4] Child, Family and Community Service Act (see Appendix 2).

[5] Immigration includes immigration duty counsel (in Vancouver).

[6] Other includes former human rights, poverty law, and intake case services. Intake cases, eliminated by August 2002, provided up to two hours of summary advice and/or information.

consent. Solicitor-client privilege is protected under section 23 of the LSS Act and section 14 of the Freedom of Information and Protection of Privacy Act.

Table 13 summarizes applications and referrals by area of law for the past three years.

Reliability of data

When annual report numbers are generated for any fiscal year, a few paper applications remain to be processed and a few applications initiated in error remain to be corrected. As a result, the final numbers for each year are slightly different from those in the annual report. For example, the final application numbers for 2002/2003 differed by 0.03% from the data published in the *LSS Annual Report 2002/2003*. The accuracy of the 2003/2004 application data in table 13 is expected to be similar to that published last year (i.e., accurate to within 99.9% or better).

Before a referral can be issued, the client's income must be verified and his or her legal situation assessed, and a lawyer has to be found to take the case. Although more than 90% of referrals are approved and issued within 30 days of an application, some take longer to process. Accordingly, when the annual report data is generated, decisions are pending on some applications. For example, the final total referrals for 2002/2003 was 0.37% higher than the total in the *LSS Annual Report 2002/2003*. The accuracy of the 2003/2004 referral data in table 13 is expected to be similar to that published last year.

In previous years, data for summary advice services at intake included brief administrative assistance such as making referrals to other agencies, processing changes of counsel, and providing self-help materials. Intake staff continue to provide administrative services, but related data is unavailable because the society no longer has a reliable method of recording it.

Volume changes

Criminal referrals decreased by 0.6% from 2002/2003, and represented 72.3% of all legal aid referrals (up from 69.7% in 2002/2003). Family referrals increased by 8.6%, and represented 14.6% of all referrals (up from 12.9% in 2002/2003). Child apprehension (CFCSA) referrals decreased by 7.8% and represented 7.3% of all legal aid referrals (down from 7.6% in 2002/2003). Immigration referrals decreased by 23.7% and represented 5.8% of all referrals (down from 7.3% in 2002/2003). See figures 1 and 2.

After a significant increase in the late 1980s and early 1990s, the number of criminal legal aid cases has declined in every fiscal year since 1992/1993. It is difficult to be precise about why volumes change from year to year. Although the changes in criminal referrals are consistent

Figure 1 Referrals by case type, 2003/2004

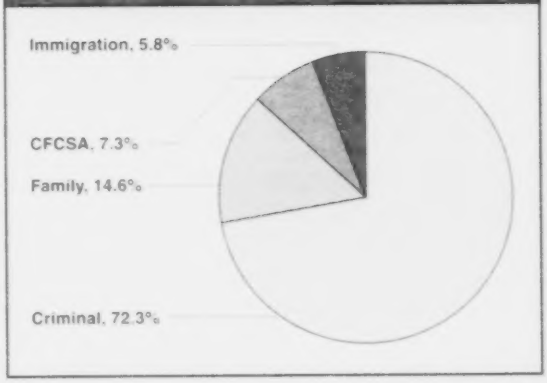
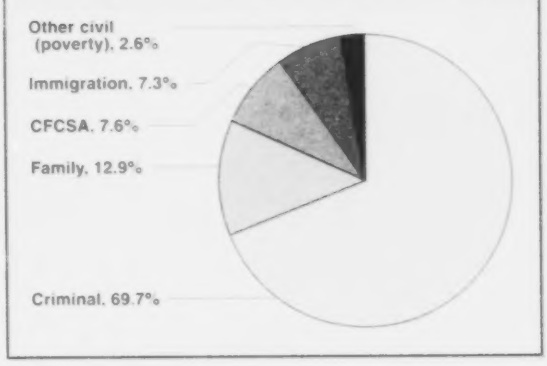


Figure 2 Referrals by case type, 2002/2003



with reported levels of criminal activity, a definite link between these two trends cannot be established. Before legal aid becomes involved in the process, the police must first receive a report about a crime, investigate the case, and recommend charges against suspects. Then Crown counsel must decide to lay charges. Only at this point do suspects apply for legal aid. Thus, even when crime levels remain constant, the number of legal aid cases can still fluctuate significantly.

Declines in CFCSA volumes this year can be attributed directly to a decrease in the number of children being taken into care by the Ministry of Children and Family Development (MCFD) as more out-of-care options are pursued. MCFD has expanded the range of support options available to social workers by allowing children to be placed in the custody of extended family members or friends of the family. As well, MCFD's Regional Aboriginal Transition Committees, established in fall 2002, began transferring child protection and family development resources and services to regional Aboriginal authorities.

The increase in family referrals is primarily due to an increase in approved exception reviews (see page 43), which rose to 722 in 2003/2004 from 378 in 2002/2003. These reviews are a significant means of providing legal representation to people with compelling problems that fall outside the society's coverage guidelines. The exception review process was widely promoted this year through regional centres, local agents, duty counsel, and LawLINE. The process is also advertised in LSS materials, on the society's website, and at regional advocacy conferences.

The decline in immigration legal aid cases in BC is consistent with the decrease in the number of applications referred by Citizenship and Immigration Canada to the Immigration and Refugee Board in Vancouver.

The overall percentage of applications resulting in referrals this year was 71.6% (compared to 71.4% in 2002/2003 and 67.0% in 2001/2002).

More data on applications and referrals by area of law for 2003/2004 is available by contacting LSS.

Legal advice

The society provides legal advice services through duty counsel and the Brydges line (see Appendix 3). Some legal advice services are also offered through LawLINE (see Appendix 3). These services do not require a formal application for legal representation. Table 14 provides data for these services for the past three years.

Table 14 Legal advice services

Service	Number of clients assisted		
	2003/2004	2002/2003 [1]	2001/2002 [1]
Duty counsel [2]	60,865	60,152	58,311
Family duty counsel and advice lawyer projects [3]	10,415	–	–
Brydges line	27,016	25,385	29,930
LawLINE advice [4]	2,961	–	–

[1] Data recorded in previous annual reports.

[2] Duty counsel excludes duty counsel for immigration services (included in immigration data in table 13, page 51) and family duty counsel (FDC) projects (see note 3). Totals reflect the number of times advice was given, not the number of clients served (clients may access the service more than once).

[3] FDC services were established in new locations throughout the year, therefore data reflects less than 12 months for a number of projects. Totals reflect the number of times advice was given, not the number of clients served (clients may access the service more than once).

[4] Data covers 6.5 months of service — LawLINE was enhanced to include brief legal advice services in mid-September 2003 (see Report on Performance, page 14). Totals reflect the number of calls handled, not the number of clients served (clients may access the service more than once).

Reliability of data

Criminal law duty counsel data in table 14 is compiled from reports submitted by lawyers providing this service. Duty counsel can submit their bills and information on the number of clients assisted up to six months or more after the service date. Accordingly, not all information is available when data for the annual report is generated. For example, after a total of 60,152 cases was published in the *LSS Annual Service Plan Report 2002/2003*, duty counsel billed for another 1,169 cases applicable to that fiscal year.

LSS is in the process of automating duty counsel accounts to bring them in line with the rest of the society's referral and billing procedures. The objective is to simplify and streamline the process, which, in turn, may marginally improve availability of the data at year-end.

Data for family duty counsel at all locations other than Vancouver is drawn from the society's computerized Case Management System (CMS). In CMS, an FDC client is any person who came in on a given date; thus the same individual may be counted more than once, as a typical case may involve two or more court appearances. In the Vancouver project, data was maintained on Webtime and tracked clients with multiple cases; thus each individual was counted once, regardless of the number of court appearances or cases. The data in table 14 includes 1,448 individual clients at the Vancouver project (who had 1,465 cases).

Brydges line data in table 14 is provided by the contracted service provider.

Telephone calls received by LawLINE, reported in table 14, are counted by computer; data on which of these calls involve advice services is drawn from a database maintained by LSS staff.

Legal information

LSS provides legal information to people with low incomes through its publishing, LawLINE, and website services. Tables 15 and 16 provide data on the public's use of these resources.

Reliability of data

Telephone calls received by LawLINE, reported in table 15, are counted by computer; data on which of these calls involve information services is drawn from a database maintained by LSS staff.

The publications data in table 15 is drawn from an LSS database maintained by staff.

The website data in table 16 presents an approximate measure of public use of the society's websites. The Electronic Law Library (ELL) is on a server for the BC public libraries branch in Victoria. ELL statistics are tabulated automatically by that computer.

The LSS websites are on the society's own server. Since January 2003, statistics for the LSS, Family Law, and LawLINK sites have been captured and analyzed by computer. Currently, data for the LSS website shows activity by all users, including staff, board members, and local agents. Efforts are underway to provide a more detailed breakdown of statistics so the society can identify, for instance, how many visits to the LSS website are related to electronic billing and how many are visits from the public.

Table 15 Legal information services

	2003/2004	2002/2003	2001/2002
LawLINE information requests [1]	15,374	16,912	12,482
PLEI publications distributed [2]	196,381	215,261	151,765
PLEI materials produced (new and revised)	54	25	54
PLEI publications available on the LSS website [3]	54	25	–

[1] Totals reflect the number of calls handled, not the number of individuals served (people may access the service more than once). Prior to September 15, 2003, LawLINE provided only legal information and referral services. Staff responded to 8,516 callers requiring information from April 1 to September 15, 2003, and 6,858 callers requiring information after September 15, when LawLINE added brief legal advice services, reported in table 14 (see also Report on Performance, page 14).

The 2002/2003 total is based on data for 11 months. Calls were not tabulated in August 2002 as no staff were available to manually count interview forms during the transition to a computerized tabulation system.

[2] Prior to 2003/2004, LSS also distributed PLEI materials produced by other organizations. The society distributed 35,994 of these items in 2002/2003 and 15,232 in 2001/2002.

[3] 2001/2002 data for PLEI publications on the LSS website is unavailable.

Table 16 Public use of LSS websites

Website	2003/2004	2002/2003	2001/2002
LSS website [1]	8,611 visits/month	5,326 visits/month	–
Electronic Law Library [2]	17,520 page requests/month	19,019 page requests/month	15,021 page requests/month
Family Law website [3]	3,374 visits/month	2,533 visits/month	–
LawLINK [4]	3,091 visits/month	–	–

[1] LSS data is tabulated automatically by a computer. "Visits" are the number of times the site is accessed over a given period (if the same person returns to the site after one hour, that person is counted again as a new visitor). LSS website data for 2002/2003 is based on three months' activity. No data is reported for 2001/2002 because LSS has no reliable comparable information on how the former external host was tracking usage.

[2] "Page requests" are the number of hits on specific pages on the site (i.e., the number of times pages are viewed, downloaded, printed, etc.).

[3] Family Law website data for 2002/2003 is based on three months' activity. "Visits" are the number of times the site is accessed over a given period (if the same person returns to the site after one hour, that person is counted again as a new visitor).

[4] LawLINK data is based on activity in February and March 2004. "Visits" are the number of times the site is accessed over a given period (if the same person returns to the site after one hour, that person is counted again as a new visitor).

Policy compliance

Staff at regional centres, local agent offices, and the LSS Call Centre refuse to provide legal aid if they believe an applicant —

- is not financially eligible,
- has a problem that falls outside the society's coverage rules, or
- has provided insufficient information to satisfy them that he or she is eligible for legal aid.

Staff ensure LSS coverage and financial eligibility policies are applied accurately and consistently across the province, by —

- reviewing refusals of legal aid whenever applicants request such reviews within 21 days of receiving the decision, and
- investigating all complaints received by anyone who alleges someone is improperly receiving legal aid.

Tables 17 and 18 show the volumes and results of these reviews and investigations for the past three years.

LSS received client eligibility complaints for fewer than 1% of cases in 2003/2004.

Reliability of data

Reviews of refusals based on coverage eligibility are conducted by managing lawyers at regional centres and by local agents elsewhere. Reviews of refusals based on financial eligibility are conducted at the Vancouver Regional Centre.

LSS is developing a reliable method of gathering statistics on coverage eligibility reviews, but this work was incomplete at fiscal year-end. As a result, statistics in table 17 for 2003/2004 and 2002/2003 reflect only financial eligibility reviews.

Complaints data in table 18 is drawn from an LSS database maintained by staff.

Table 17 Financial and coverage eligibility reviews

Reviews	2003/2004 [1]	2002/2003 [1]	2001/2002 [1]
Received	225	243	1,081
Abandoned [2]	10	23	92
Approved [3]	50	10	38
Refused	163	210	945
Files open at year-end	2	0	6
Based on data run:	April 2004	April 2003	May 2002

[1] Data for 2003/2004 and 2002/2003 includes only reviews of refusals based on financial eligibility. Data for 2001/2002 includes reviews of refusals based on financial eligibility and refusals based on coverage eligibility.

[2] Abandoned means the matter was returned to the referring office to consider additional information or issues, or the applicant resolved the matter by other means.

[3] Approvals are often based on additional information provided by the applicants that was unavailable when they first applied for legal aid.

Table 18 Complaints about clients' eligibility

Result of investigation	2003/2004	2002/2003	2001/2002
Complaint unfounded/coverage continued	68	104	132
Coverage terminated/case converted to private fee retainer or collection file opened	70	86	76
Referral cancelled after client failed to respond to a request for reassessment	13	10	19
Complaint about a non-LSS client [1]	14	99	31
Complaint received after case concluded or substantially completed	21	34	10
No further investigation required (e.g., complaint duplicates information already reported and investigated)	22	16	25
Open, investigation continuing	13	39	144
Total [2]	**221**	**388**	**437**
Based on data run:	April 2004	April 2003	April 2002

[1] These files are kept open for at least six months in case the individuals apply for legal aid.

[2] Total includes files still open at the end of the previous fiscal year.

Legal Aid Offices

Check the phone book for current office addresses and phone numbers, and for the LSS Call Centre/LawLINE number. Offices are listed under "Legal Aid — Legal Services Society" in the white pages and in the "Lawyers" section of the yellow pages.

Interior/East Kootenays

Regional centre:

Kamloops (Kathleen Kendall, Managing Lawyer)

Local agents:

Cranbrook (Richard Strahl)
Salmon Arm (Brian Burgess)
Williams Lake (Kenneth Grant)

North

Regional centre:

Prince George (Debby O'Leary, Managing Lawyer)

Local agents:

Dawson Creek (Glenn Stasiuk)
Fort St. James (Paul Swartz)
Fort St. John (Robert Zeunert, from September 2003)
Fort St. John (David Fowler, to August 2003)
Quesnel (Gary Lilienweiss)

Northwest

Regional centre:

Terrace (Judith Kenacan, Managing Lawyer)

Regional centre satellite:

Prince Rupert

Local agent:

Hazelton (Linda Locke)

Okanagan/West Kootenays

Regional centre:

Kelowna (Dennis Morgan, Managing Lawyer)

Local agents:

Nelson (Richard Strahl)
Penticton (James Pennington)
Vernon (Brian Burgess)

Surrey/Fraser Valley

Regional centre:

Surrey (Bill Andrew, Managing Lawyer)

Regional centre satellite:

Port Coquitlam (from September 2003)

Local agents:

Abbotsford (Chris Maddock)
Chilliwack (Chris Maddock)
Langley (Scott Rabb, to August 2003)

Vancouver Island

Regional centre:

Victoria (Forrest Nelson, Managing Lawyer)

Local agents:

Campbell River (Doug Marion)
Courtenay (Doug Marion)
Duncan (Denice Barrie)
Nanaimo (Denice Barrie)
Port Alberni (Barbara Smith)

Vancouver/Sunshine Coast

Regional centre:

Vancouver (David Griffiths and Heidi Mason, Managers, Field Operations)

Local agents:

North Vancouver (Dan Sudeyko)
Richmond (Robert Parsonage)
Sechelt (Martin Dubec)

Glossary

Acronyms

CMS	Case Management System
CFCSA	Child, Family and Community Service Act
ELL	Electronic Law Library
EMC	Executive Management Committee
FDC	Family duty counsel
FJC	Family justice counsellor
LIOW	Legal information outreach worker
LSS	Legal Services Society
MCFD	Ministry of Children and Family Development
MOU	Memorandum of Understanding
OMT	Operations Management Team
PLEI	Public legal education and information
QC	Queen's Counsel
SCAP	Strategic Case Assessment Program
SRL	Self-represented litigant

Definitions

Act The Legal Services Society Act (the act; also LSS Act), provincial legislation under which LSS operates

Accumulated surplus The excess of income over expenditures that accumulates over the life of the organization; the LSS accumulated surplus reflects assets (e.g., buildings, equipment, cash, investments) minus liabilities (e.g., accounts payable)

Annual report Annual service plan report

Board The LSS Board of Directors (governing body for LSS)

Call centre The toll-free province-wide LSS Call Centre (staff take legal aid applications over the telephone)

Case Management System A computer system (designed for and owned by LSS) that supports the society's intake, referral, tariff processing, and other business functions

Client An individual who is receiving or who has received legal aid

Continuum of services (LSS) Legal services ranging from information and education to advice, advocacy, and representation

Duty counsel Lawyers available at courthouses or family justice counsellor offices to provide limited assistance to people with low incomes who have no legal representation

Environmental scan The method an organization uses to understand the external environment and apply that understanding to its planning and decision-making processes; an environmental scan involves identifying technical, economic, social, and political trends and events that are important to the organization, and encourages management and staff to plan ahead

Exceptional matters Legal proceedings that fall within the society's mandate where —

- representation is required to meet section 7 or 11 of the Charter of Rights and Freedoms and the client is a low income person who is financially ineligible for legal aid;
- the degree of complexity involved, a court order, or an agreement by the government requires the payment of fees and/or disbursements that exceed the standard limits set by LSS policies;
- the total fees, disbursements, or both exceed $50,000; or
- there is an unusually large number of similar cases that together will result in higher than normal costs

Family list days First-time court appearances for Child, Family and Community Service Act and Family Relations Act matters, such as child support and child protection; family list days are usually held one or two days each week in larger centres and once a month in smaller communities

Fiscal year (LSS) A period beginning on April 1 in one year and ending on March 31 in the next year

Goals Statements that identify the key results an organization expects to achieve in a three- to five-year period; goals are closely related to objectives, which cover a shorter term

Hybrid offence An offence for which the Crown can choose whether to proceed by way of indictment or summary conviction

Indictable offence A serious offence for which the accused has the right to choose a trial by judge in Provincial Court, by judge in Supreme Court, or by judge and jury in Supreme Court; an indictable offence carries a minimum penalty of two years in prison

Intermediaries Judges, police, lawyers, court workers, local agents, staff at women's shelters, community advocates, and others in the justice system who interact with legal aid clients

Key strategies The main courses of action, broadly stated, that an organization will undertake to accomplish its objectives; key strategies can change in response to environmental scans and risk analyses

LawLINE A toll-free telephone legal information and advice service operated by LSS

LawLINK A website designed to help low income people and their advocates find current, relevant, and usable self-help legal information on the Internet

Legal aid Legal representation, advice, information, and other services provided under the LSS Act

Legal Aid Renewal Fund A fund established to cover innovations related to criminal law services implemented from April 1, 2002, through March 31, 2005; it is part of the Agreement Respecting Legal Aid in Criminal Law, Youth Criminal Justice Act, and Immigration and Refugee Matters between the Government of Canada and the Province of British Columbia (also known as the Federal Investment Fund)

Logic model An outline that ties together, in a coherent chain, an organization's activities and anticipated results; a logic model indicates how the available resources contribute to the organization's overall goals

Objectives Statements that identify the main results an organization expects to achieve within a one- to three-year period; usually there are up to three objectives associated with a goal

Operating surplus The excess of income over expenditures in a fiscal year

Performance measures Methods an organization uses to determine whether it is achieving the results set out in its goals and objectives; performance measures vary from one organization to another and range from satisfaction surveys to comparative data

PovNet A searchable website for people on welfare, advocates, community groups and individuals involved in anti-poverty work

Private bar lawyers Lawyers in private practice

Private fee retainer An agreement between a private bar lawyer and an individual who is not receiving legal aid regarding services to be provided and the rate of compensation to be paid

Risk analysis An examination of potential threats to an organization's ability to meet its mandate; a risk analysis is often conducted along with an environmental scan

***Rowbotham* application** An application made by someone who has been denied legal aid; in a *Rowbotham* application, the person asks the court for a stay of proceedings until he or she has been provided a state-funded lawyer

Staff lawyers Lawyers employed by LSS

Society The Legal Services Society

Strategic issues Major factors that will affect, or are affecting, an organization; strategic issues emerge from an environmental scan and may be either positive or negative

Strategic objectives Objectives drafted specifically to address strategic issues, either by mitigating external threats and internal weaknesses or by taking advantage of external opportunities and internal strengths

Strategic plan A plan that encompasses an organization's mission, vision, objectives, goals, and values; it sets out the direction for the organization and outlines how it will achieve its vision and mission

Summary advice Legal information and assistance on where to go or what to do next; summary advice may involve a review of facts or an analysis of the problem; it may be given quickly or in more detail, depending on the problem and the resources available

Summary offence Less serious than an indictable offence, a summary offence is always dealt with by a judge in Provincial Court, and usually carries a maximum penalty of a $2,000 fine and six months in jail

Tariffs The schedule of fees and disbursements LSS pays to private bar lawyers who represent legal aid clients

Total current assets Cash in hand plus cash owed to LSS

Total current liabilities Money owed to creditors and payable over the coming fiscal year

Year Refers to fiscal year

Map of Legal Aid Offices

March 31, 2004